

THE RHODES-LIVINGSTONE JOURNAL

NUMBER TWENTY-TWO

HUMAN PROBLEMS
IN
BRITISH CENTRAL AFRICA

XXII
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SOCIAL RESEARCH
LUSAKA, NORTHERN RHODESIA

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- To provide accurate scientific information on the social life of man for Governments and other persons working with human beings in this area.
- To disseminate this accurate information as widely as possible to the public.

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XXII

Editor

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J. CLYDE MITCHELL

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Editorial Board

Dr. Elizabeth Colson, Professor Max Gluckman,
Professor J. Clyde Mitchell

Co-ordinating Editor : The Director of the Institute

This Journal, published half-yearly in March and September, aims to define simply, but with scientific accuracy, the social problems facing man in Central Africa, to record what is known of such problems and to report on research being undertaken and required in the future.

Contributions are not confined to research by the Institute's past and present staff : articles and notes are welcome from all those working in the field covered, or those engaged on similar problems elsewhere whose findings are applicable to the Central African field.

The standard length of articles is in the region of 10,000 words, but longer or shorter articles will be considered from time to time. Articles should be accompanied by summaries of 100-200 words.

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Typescripts for consideration, and books for review, if emanating from the United Kingdom, should be sent to Professor Max Gluckman, Department of Social Anthropology, Dover Street, Manchester 13 ; those from other sources to the Director, Rhodes-Livingstone Institute, Box 900, Lusaka, Northern Rhodesia.

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Contents of recent issues of the Journal

Contents No.

19

- V. W. Turner : *A Lunda Love Story and its Consequences : Selected Texts from Traditions collected by Henrique Diaz Consequalho at the Court of Mwatiianwa in 1887.*
- A. J. B. Hughes : *Uzimu : Some Preliminary Notes on Vengeance Magic among the Rhodesian Ndebele.*
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Contents No. 20

- Max Gluckman : *Social Anthropology in Central Africa.*
- Ian Cunnison : *Perpetual Kinship : A Political Institution of the Luapula Peoples.*
- L. H. Gann : *Archives and the Study of Society.*
- Review : *As Men are Everywhere Else.* An appreciation of Frank Debenham's *The Way to Ilala : David Livingstone's Pilgrimage*, and J. Simmons's *Livingstone and Africa* (Max Gluckman).
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Contents No. 21

- L. P. Mair : *Representative Local Government as a Problem in Social Change*
- P. M. Worsley : *Millenarian Movements in Melanesia.*
- P. H. Gulliver : *Nyakyusa Labour Migration.*
- L. Silberman : *The Problem of Housing in Mauritius.*
- Reviews : *The Judicial Process among the Barotse of Northern Rhodesia*, Max Gluckman (A. Arthur Schiller). *L'ancien Congo d'après les Archives Romaines (1518-1640)*, Mgr. J. Cuvelin and l'abbé L. Jadin (I. Cunnison). *Migrant Labour in the Gold Coast*, R. B. Davison (W. Watson). *Custom and Conflict in Africa*, Max Gluckman (A. H. Halsey). *Economic Development and Tribal Change*, Audrey I. Richards. *Land Tenure in Buganda*, A. B. Mukwaya. *The Kibanja System of Land Tenure in Bunyoro, Uganda*, J. H. M. Beattie (H. A. Fosbrooke). *Nigeria Quarterly* (P. M. Worsley).
- Additions to the Library, July to December 1955.

CONTENTS

(Articles and Reviews express the personal views of the authors)

Editorial Notes	vii
------------------------	-----

Aspects of African Marriage on the Copperbelt of Northern Rhodesia	
---	--

by J. Clyde Mitchell	1
----------------------	---

African Market Vendors in Lusaka : with a note on the recent boycott (foreword by J. C. Mitchell)	
--	--

by A. A. Nyirenda	31
-------------------	----

Notes

The University College of Rhodesia and Nyasaland	64
---	----

Staff Changes	65
----------------------	----

Book Reviews

African Townsmen. A discussion of Cyril and Rhona Sofa's <i>Jinja Transformed</i> ; A. W. Southall and P. C. W. Gutkind's <i>Townsmen in the Making</i> ; and <i>The Baumanville Community</i> (University of Natal, Institute of Social Research) (A. L. Epstein)	67
---	----

Alur Society : a Study in Processes and Types of Domination by A. W. Southall (<i>I. Cunnison</i>)	70
---	----

Government and Politics in Tribal Societies by I. Schapera (<i>I. Cunnison</i>)	72
--	----

The Nature of African Customary Law by T. Olawale Elias (<i>A. Arthur Schiller</i>)	74
--	----

The Tribes of Northern Rhodesia by W. V. Brelsford (<i>C. M. N. White</i>)	79
---	----

Contributors to this Issue

J. Clyde Mitchell, Professor of African Studies at the University of Rhodesia and Nyasaland, started his anthropological field-work as a Research Officer of the Rhodes-Livingstone Institute with a study in Nyasaland, the results of which were recently published as *The Yao Village*. Subsequently, he worked under the Institute's auspices, latterly as its Director, on problems of urbanization in Northern Rhodesia, particularly on the Copperbelt ; readers will be aware of the many contributions he has made to this and other journals on the subject.

A. A. Nyirenda joined the Institute staff as a Research Assistant from Munali Secondary School in 1952, since which date he has worked under Professor Mitchell and Dr. Epstein, mainly on urban problems. He is the first African to have his work published in this journal.

EDITORIAL NOTES

READERS will note a heavy preponderance of articles in this Journal dealing with urban problems. This is deliberate policy, as the current number is designed to deal specifically with town matters. It is planned that No. 23 should concentrate on historical articles and notes, whilst No. 24 will be devoted to tribal and rural subjects. It is perhaps looking too far ahead to plan No. 25 at this juncture, but a Journal devoted to economic matters might have some appeal. It would assist the Editorial Board if potential contributors could submit material in accordance with the programme outlined above.

To allow more space for notes and reviews, it has been decided to omit the feature *Additions to the Library*. A list of such additions will be circulated in duplicated form to all members resident in the Federation, who are in fact the only people allowed to borrow books in person or by post. Should any other members resident overseas wish to receive the library list, will they kindly inform the librarian.

There has been considerable discussion concerning the name of this Journal. The title *Human Problems in British Central Africa* has the merit of indicating the contents, and avoids possible confusion with the Rhodes-Livingstone Museum publications which might arise if we selected the single title *The Rhodes-Livingstone Journal*. In deciding to adhere to the present format with its dual name, the Editorial Board requests all librarians and authors who have occasion to refer to or quote the Journal to do so under the title *Rhodes-Livingstone Journal*, indicating the particular issue under reference by number and not by date.

The Institute would be most grateful if its regular readers would draw the attention of other interested persons to the Institute and its work, and encourage them to enrol as associate or institutional members. In the past a liberal grant from Colonial Development and Welfare Funds enabled us to maintain a lengthy free distribution list, but a reduction in this grant means that for the future the Institute in general, and its publications in particular, must be on a much more self-supporting basis. The only way to avoid a reduction in the frequency or size of publications is through increased membership, so it is hoped that all who have the welfare of the Institute at heart will make a determined effort to secure more associate members. For this reason a tear-off enrolment form is bound in with this number. Further forms, and details of the Institute's work and publications can be obtained as a pamphlet from the Director, Rhodes-Livingstone Institute for Social Research, P O. Box 900,

Lusaka, or the Department of Social Anthropology, University of Manchester, Dover Street, Manchester, 13, England.

The 'Urban' Journal which these notes introduce contains two articles of particular significance. The first, Professor Mitchell's paper on African Marriage on the Copperbelt, is timely in exposing many widely-accepted misconceptions. The imbalance between male and female is not so great as the uninformed would have us believe; the retention of kinship obligations in the urban environment is significant—on this point Professor Mitchell concludes: 'Perhaps the most striking feature of these town marriages is the degree to which appropriate types of kinsmen are available to undertake marriage responsibilities as they do in the rural areas'; marriage payments, far from dropping out in the modern context, are being adopted in the towns by matrilineal people who previously made no such payments; finally, the analysis of the position of the Urban African Courts and of African customary law is appropriately supplemented by a recent article from Mr. R. L. Moffat, Native Courts Adviser, in Vol. IX, No. 2, of the *Journal of African Administration*.

The second article, 'African Market Vendors in Lusaka', is worthy of comment, not only for its inherent merit, but also because it is the first work to appear in this journal from the pen of one of the Institute's Research Assistants. It is one of the aims of the Institute to train Africans to study their own communities, so it is hoped that this article will prove to be the forerunner of many such works. The Institute's team of African workers has recently been strengthened by several promising recruits including the first African girl to come to us with a Cambridge School Certificate.

ASPECTS OF AFRICAN MARRIAGE ON THE COPPERBELT OF NORTHERN RHODESIA

by

J. CLYDE MITCHELL

I. INTRODUCTION

MARRIAGE has presented knotty problems to administrators, missionaries, social workers and others concerned with the social and moral welfare of Africans in urban areas. Sociologists too, partly because of the administrative problems involved and partly because of the problems of cultural change raised, have discussed the matter.¹ Nevertheless, on the whole there is comparatively little systematic data available and in this paper I have aimed to present some of the data derived from a superficial survey in Luanshya. I hope that it will stimulate a more thorough and more penetrating study.

The Setting

Luanshya is one of the towns that has grown up around the copper-mining industry in Northern Rhodesia. The Africans in it live mainly in two localities : one is the township within the area controlled by the Roan Antelope Copper Mines Ltd., and the other is in the public township of Luanshya. The mine township houses only the employees of the mining company. The public township houses those sections of the population which depend on the mines indirectly for their existence but who are not employed by the mine. These are the Africans employed by Government, shop-owners, traders, builders and other industrial and commercial enterprises, and as domestic servants.

In 1951 the African population in Luanshya was distributed approximately as follows :

Roan Antelope African Township	35,000
Luanshya Management Board, Domestic Servants, etc., in Public Township	8,600
Total	43,600

The general features of the population are :

(1) It is drawn very largely from the age range of 20 to 45 years of age.

¹ Krige, E. J., 1936 ; Hunter, M., 1936 ; Richards, A. I., 1940 ; Wilson, G., 1942, Chaps. xi-xiv ; Levin, R., 1947 ; Hellman, E., 1948, p. 79f ; Mair, L. P., 1953.

(2) The sex ratio is relatively balanced (142 men to 100 women in the age range 15 to 45) as against the urban African population, say, in the Union of South Africa.

(3) Of the adult men in Luanshya 63·9 per cent are married and have their spouses with them, 18·2 per cent have never married, 3·1 per cent are divorcees, 0·2 per cent are widowers and 14·6 per cent are married but have left their wives in their rural homes. Of the adult women, 95·2 per cent are married and are living with their husbands, 2·1 per cent have never married, 1·0 per cent are divorcees, 0·4 per cent are widows and 1·3 per cent are living separated from their husbands.

(4) The population is drawn from a wide hinterland. The predominantly Bemba-speaking Northern Province supplies 28·3 per cent of the adult population; the Central Province, 17·6 per cent; Eastern Province, 13·5 per cent; Luapula Districts, 8·2 per cent; peri-Copperbelt areas, 7·9 per cent; Nyasaland, 7·6 per cent; Tanganyika, 5·2 per cent; North-Western Province, 4·9 per cent; the Belgian Congo, 2·9 per cent; and Mozambique, Angola, the Southern Province, Barotseland and elsewhere between them all, 3·9 per cent.

(5) The proportion of men to women from these districts differs considerably. The number of men per 100 adult women was as follows: Northern Province, 152; Central Province, 102; Eastern Province, 134; Luapula Districts, 154; peri-Copperbelt areas, 117; Nyasaland, 230; Tanganyika, 415; North-Western Province, 218; Belgian Congo, 133; and Mozambique, Angola, Southern Province, Barotseland and other areas, 225. The general trend here is for the sex ratio for people near the Copperbelt to approach equality and for there to be more men from areas more distant from the Copperbelt than women from the same areas.

(6) The population in these towns is predominantly transient. African workers, most of whom are unskilled, come into towns to work for wages for periods which vary from a few months to several years. The mean period of residence away from their rural homes for a sample of adult men and women was eight years and only 10·8 per cent had been away for more than twenty years.

(7) Most men are already married before they come to the Copperbelt: the age of first marriage in the tribal areas is about 18 years. Usually they come to town alone because married accommodation is not always immediately available to them. Subsequently they bring their wives and younger children to live in town with them. Those marriages which occur on the Copperbelt are:

- (a) Those of Africans who have grown up on the Copperbelt and are now marrying. There are not many of these.
- (b) Those of unmarried men on the Copperbelt. As we have seen, about 15 per cent of the adult men on the Copperbelt at any one moment have never married.
- (c) Those of men and women who have been married previously

but whose previous marriages have been dissolved by either death or divorce. We shall see that no less than 61·6 per cent of the marriages of men and 54·8 per cent of the marriages of women were in fact remarriages.

There are two different aspects of these marriages with which I concern myself. The first is concerned with the characteristics of those who choose each other as spouses. The second deals with the process whereby the relationship between the man and the woman is formalized and given the seal of public approval.

Marriage Certificates¹

Public approval, as far as the African community is concerned, depends on formal recognition of the relationship by a set of responsible kinsmen. As far as the administration and other authorities is concerned it depends on the possession of a valid marriage certificate.

The only form of marriage between Africans which is recognized by the laws of Northern Rhodesia is a marriage 'in accordance with native law and custom'. In other words the Marriage Ordinance (Cap. 132 of the Laws of Northern Rhodesia) does not apply to Africans.² Ordinances enable the High Court and the Subordinate Courts to enforce the observance of native law relating to marriage but in fact either the Chief's Court in the rural areas or the African Urban Courts in towns deal with all matrimonial cases.

In this system there is thus no straightforward administrative procedure whereby the legality of any African marriage can be demonstrated. The legality of the marriage in fact depends upon whether the marriage is socially recognized or not. In rural areas this can be determined by referring to the kin-groups of both husband and wife. A series of exchange of gifts, services and payments between the two groups marks the formal public acceptance of the marriage relationship. In towns the circumstances are different. The kin-groups of both husband and wife only rarely live in town and in any case the somewhat cumbersome procedure of having responsible kinsmen attest to the validity of the marriage, although perfectly in keeping with the leisurely way of life in a tribal area, is manifestly unsuitable in an urban environment where people rarely live at one address for more than a few months at a time and where proof of the validity of the marriage is required by bureaucratic organizations such as Government, town management boards, mining companies and so on.

The necessity for some documentary proof of marriage has been

¹ I am grateful to Mr. R. L. Moffat, Native Courts Adviser to the Northern Rhodesian Government, who has supplied me with the information upon which this section is based.

² Northern Rhodesia is unique among African territories in that 'Africans are totally debarred from contracting a legally valid marriage otherwise than under native law'. See Phillips, A., 1953, p. 242.

increasing as Africans have become drawn into the modern industrial and commercial world. Formerly the names of the wives of tax-payers were recorded against their names in the tax registers and this served as some sort of marriage registry. This practice was discontinued in 1930 and presumably in response to a need, some Native Authorities have made rules under Section 17 of the Native Authority Ordinance providing for the voluntary registration of marriages. Normally in tribal areas there would be no need for marriage registration but in towns public authorities are increasingly demanding to see marriage certificates. No man in a municipal location, for example, may be allocated married accommodation unless he can produce a marriage certificate, and the mining companies demand to see the certificate before they will issue rations to their employees' wives. Native Authority policemen are likely to remove women from buses on their way to the Copperbelt unless they can show a valid marriage certificate, and Urban Courts are beginning to recognize the certificates as proof of legal marriage. Consequently, under urban conditions, marriage certificates are becoming increasingly essential and couples who have been married for years are finding that they need to register their marriage in order to comply with the requirements of town life.

The procedure in tribal areas is simple enough. The details are recorded by the Native Authority clerk on a printed form and appropriate kinsmen witness the issuing of the certificate. The issuing of certificates in towns, however, has remained a problem to the administration for some years. In response to the needs of a growing number of Africans who wished to marry while they were in towns the Government instituted a procedure in 1944 whereby a couple could present themselves to the Urban Court where they could complete an official application form for a certificate. This form was then sent to the Native Authority in the area from which the woman came. If the Native Authority consented to the marriage the Urban Court was then empowered to issue a certificate.

The scheme was not a success mainly because the Native Authorities were reluctant to consent to a marriage if the parties were not known to them and particularly if one of the spouses was from a different tribe. This imposed some hardship on Africans who had long been out of contact with their tribal areas. The Urban Court kept asking for permission to issue certificates without the authority of the Native Authorities but they in turn were reluctant to allow this.

In 1945 Sir Stewart Gore-Brown, who was a member of Legislative Council representing African interests, suggested that an African Marriage Ordinance modelled on the Southern Rhodesian Native Marriages Act of 1943 should be framed. This motion was debated at the First Session of the African Representative Council in November 1946 and while the Council was prepared to agree to a proposal that African marriage be strengthened by an Ordinance

similar to that in force in Southern Rhodesia, it was not prepared to accept that Magistrates or District Commissioners should act as registrars.¹

In 1949 an African Marriage Advisory Committee was set up under the chairmanship of Sir John Waddington. At the time when the information in his paper was collected the Waddington Committee had not yet reported.²

In Luanshya the arrangement was that couples who wished to marry, i.e. to acquire a marriage certificate, had to appear before the Urban Court on Monday mornings. The Court members satisfied themselves that the application was a *bona fide* one. They questioned both husband and wife and asked to see the responsible relatives. If they considered that the couple had no real intention of living together they would refuse to recommend that a certificate be granted. In one case, for example, the sponsor was a young man of 20 years of age. The Court considered that he was too young to be a sponsor to a marriage and told the couple to return a month later if they still wanted to be married. If the Court was satisfied with the real intentions of the couple it referred them to a Court clerk who recorded the necessary particulars and sent off to the woman's rural Native Authority for permission for a certificate. The Court was empowered to grant a certificate if, after a reasonable time, no reply was received.

Marriage certificates became necessary, as we have seen, in the modern administrative system. But the Africans themselves are beginning to recognize the certificate as a mark of a stable marriage. Several of the couples who were interviewed emphasized this aspect. For example, an Mbwela man and his Kaonde wife appeared before the Court in 1951 asking for a marriage certificate. They had met in town in 1945 and had been living together since then. They explained that they had been waiting to see whether they would continue to live together and felt that after six years they were sufficiently satisfied that they would, and they therefore would like to register their marriage. This view of the marriage certificate as proof of a stable marriage was shown by an old woman present when her daughter and son-in-law were applying to register their marriage. She had been sponsor to the marriage and explained that she had carefully kept the marriage payment over the last year in case the couple should separate and she would be called upon to refund the amount. But because the marriage had been registered that day she felt that at last she was free to spend it.

¹ *Proceedings of the First Session of the African Representative Council. November, 1946*, Government Printer (Lusaka, 1946), p. 66.

² It reported in 1953. On the basis of its report Government agreed to allow Urban Courts to issue certificates if it was satisfied that the parties appearing before it had severed normal connections with their tribal areas, and that the parties would be unknown to the Native Authorities, or if the Native Authorities had not rejected the application within reasonable time. See Government Circular N/00991/1 dated 16th April, 1953.

No doubt in time the significance of marriage certificates will increase, and presumably the sort of case that occurred in Luanshya, where a man who had tired of his wife had merely erased her name from the certificate and substituted the name of his latest fancy, will decrease.

The Collection of Data

The quantitative data upon which this essay is based was derived from interviews with couples who presented themselves at the Court every Monday morning, during 1951 and 1952. Not every couple was interviewed. At times pressure of duties in other directions prevented the research assistants from attending every Monday, but there is no reason to believe that the couples in fact constitute a biased sample of those who were applying for registration. The details were recorded on schedules while the couples were being interrogated by the Court clerk. The research assistant then asked the couple more details. Because of the situation these questions had of necessity to be the most direct and simple. The schedule therefore was abbreviated and many possible lines of further enquiry had to be ignored.

The sample of couples used in this analysis was hardly a homogenous one. Some had been married for many years and were only applying for a certificate either because they had mislaid the one they had or had not bothered to get one before. Others were newly-weds who were registering for the first time. Of the 243 couples, sixty had been married before they came to town. I have excluded these from my analysis because I am concerned in this essay only with those who have become married in town.¹

I am aware that this essay is incomplete in many respects. The data were collected at a time when I was fully engaged in a social survey of the African population of the Copperbelt and I intended this material to provide some leads which I could follow up in the survey. This survey was based on house-to-house interviews of a 10 per cent random sample of all African occupied quarters on the Copperbelt. The survey schedules contain relatively full information on the marriages of Copperbelt Africans and I hope to be able to present a full analysis of this material at some future date.

In view of the limited scope of the basic material I have decided to present the material in two parts. In the first I present some data on the choice of spouses in urban areas, particularly on inter-tribal marriage. In the second I present the material we have collected on the way in which marriages are contracted in town.

¹ I am grateful to Mr. Edward Mbewe of the Rhodes-Livingstone Institute who prepared the tabulations for me.

II. THE MARRIAGE PARTNERS

Selection of Spouses

Clearly there are many factors influencing the choice of marriage partners and I cannot hope to present a full discussion of them all. I do not possess information on the ages, religious affiliations, educational levels and many other significant variables for this particular group of spouses. This information is recorded on the social survey schedules and will be analysed later. In this essay I propose to discuss only three variables, data on which were recorded during the interviews at the Court.

Before we embark on this analysis, however, it is as well to point out that although we are dealing with marriages in town, in the majority of these the rural kinsmen play a significant role. The African townsmen are not so completely cut off from their tribal kinsmen that the marriages they contract in town are of no consequence to those kinsmen. The clearest demonstration of the degree to which rural kinsmen influence the selection of spouses in urban areas is the number of marriages we have encountered where men have had wives sent to them in town from their tribal homes. In Nkana, for example, we found a Sukwa man from Tanganyika who had sent his bride-price home to his relatives who then conducted all the appropriate negotiations and subsequently sent him down a wife on the bus. In Mufulira we encountered a Chewa who wrote home to his father and asked him to send him a wife. In Nkana, again, we met an Ngoni man from Nyasaland who had been on the Copperbelt since 1933 and who had had a wife sent to him from Dedza in 1947. He had married a wife in Luanshya previously but had left her when he left Luanshya.

The majority of marriage partners, however, are found in town but the rural relatives, by their approval or disapproval, still play a significant part in selecting them. A Lamba woman in Chibuluma, for example, had been divorced by her husband and returned to her home in Chief Nkana's area. A man in town wanted to marry her but her parents, reminding her that her previous marriage in town had failed, insisted that this man came out to see them before they would approve of the marriage. Many responsible kinsmen in rural areas come down to the Copperbelt on a visit when they hear of the impending marriage or remarriage of their wards, and they were frequently present at the Court house when couples were applying for certificates.

Even if no rural kinsmen were available they were, as we shall see, frequently involved as it were by proxy when the marriage payments were mailed to them by their kinsmen acting on their behalf in town. Kinsmen, even in town, continue to play a significant role in marriages and must exercise considerable influence on the eventual choice of marriage partners.

Number of Previous Marriages

From Table I we see that only 38.4 per cent of the bridegrooms and 45.2 per cent of the brides were getting married for the first time.

TABLE I: NUMBER OF PREVIOUS MARRIAGES OF BRIDES AND BRIDEGROOMS

Husband's previous marriages	Bride's previous marriages				Total
	Nil	One	Two	Three and over	
Nil	59	20	1	—	80
One	6	67	11	4	88
Two	2	4	—	—	6
Three and over	1	—	1	1	3
Total	68	91	13	5	177*

* Excludes six women whose previous marriages were unrecorded.

Even if the proportion of those marrying for the first time is small, it is interesting to note that, in general, those marrying for the first time tended to marry those who were also marrying for the first time, and those who were marrying for the second time or more tended to marry those who had been married before. For example, of the eighty bridegrooms marrying for the first time 73.7 per cent were marrying brides who were marrying for the first time. Of the ninety-seven bridegrooms who had been married before only 9.3 per cent were marrying brides who had not been married before.¹ The surface correlation is clear enough but the explanation presents some difficulties.

The explanation of the distribution of types of marriage is likely to be explained by the conjugal composition of the general population. As we have seen, 18.2 per cent of the adult males and 2.1 per cent of the adult females in the population had never been married before. If spouses were chosen at random in the population we would expect the proportion of persons marrying who had never married before to be 18.2×2.1 per cent, which is 3.7 per cent. On this basis, out of a total of 177 marriages we would expect only six marriages between spouses who had never married before. On the same reasoning the number of marriages of persons who had married before would be 81.8×97.9 per cent, which is 80.1 per cent, so that out of a total of 177 marriages we should expect 142 between spouses who themselves had married previously. In fact we know

¹ Difference = 64.4 per cent; S.E. of difference = 7.35; C.R. = 8.77; $p = 0.00001$.

from Table I that there were not six but 49 marriages between spouses who had never married before and there were 88 and not 142 marriages between spouses who had married before. The actual distribution of types of marriage in Table I therefore is to be explained, I think, not in terms of the preference for spouses of the same conjugal status as themselves but rather in the demographic imperatives in the situation. Spouses are not chosen entirely at random : it is likely that men and women coming into the Copperbelt unmarried find spouses for themselves soon after arriving and these figure heavily in the numbers applying for registration certificates, while at the same time those remarrying are likely to be marrying the co-respondent in an adultery case.

African marriage on the Copperbelt is frequently considered to be highly unstable, and the information available appears to support this conclusion. Only one-third of the marriages were between spouses who were both marrying for the first time. A slightly higher proportion (37·9 per cent) were between spouses who were both marrying for the second time. There were twenty marriages in which the bridegroom was marrying for the first time while his bride was marrying for the second, and eleven (6·2 per cent) in which the bridegroom was marrying for the second time and the bride for the third. There was one marriage in which the bridegroom was marrying for the fourth time and his bride for the sixth. On the average, the brides have experienced more marriages than the bridegrooms. The 177 brides between them had experienced 138 previous marriages, an average of 0·78 per bride. The same number of bridegrooms had experienced 113 previous marriages, an average of 0·64 per bridegroom. The age distribution of adult women on the Copperbelt is skewed more towards the younger age groups than it is for the men,¹ so that it appears that the women on the Copperbelt contract more marriages than the men do.

The African population on the Copperbelt is a young one : the mean age of adult males is 32·1 years and of adult females 27·1 years. The fact that only 38·4 per cent of the brides and 45·2 per cent of the bridegrooms were marrying for the first time is further evidence of the instability of marriage in this group.

This instability is frequently related to the personal disorganization which a migrant fresh from the rural areas is supposed to experience when he is plunged into the unfamiliar environment of town life. The evidence from the sample of brides and bridegrooms we have does not support this. The number of previous marriages per person for those who have been in town for more than five years (0·69) is slightly less than the number for those who had been in town for less than five years (0·73). Among the women, those who had been in town for less than five years had contracted slightly more marriages than those who had been in town for more than five years. Among the men, those who had been in town for more

¹ See Mitchell, 1954, Table I, and age and sex diagrams in Appendix I.

TABLE II: NUMBER OF PREVIOUS MARRIAGES PER PERSON BY PERIODS OF URBAN RESIDENCE

	<i>Period of urban residence</i>		
	<i>Less than 5 years</i>	<i>More than 5 years</i>	<i>Total</i>
Women	0·84	0·69	0·78
Men	0·53	0·69	0·64
Total	0·73	0·69	0·71

than five years had contracted more marriages than those who had been in town for less than five years.

Evidence from a different source also suggests that urban life does not exert such a deleterious effect on African marriage as is sometimes assumed.¹ In a total of 430 marriages which has been contracted by a sample of men encountered in a social survey in a mine African township in Nkana in 1952, 335 had been contracted in the rural areas and the remaining 95 had been contracted in town. Of the 335 rural marriages, 22·1 per cent had been dissolved by divorce while 25·6 per cent of the urban marriages had been so dissolved. This difference is too small to be significant.²

I admit, of course, that it would be unsafe to generalize on this material and that a more detailed analysis taking in, for example, differences in duration of marriage and age of marriage may show different results. All that we may conclude thus far is that no striking difference is to be seen.

The proportion of town marriages which had been dissolved (25·6 per cent) in fact is considerably less than among the Lamba (41·8 per cent)³; the Yao (41·3 per cent)⁴; the Ngoni (36·9 per cent)⁵ and the Ndembu (61·4 per cent)⁶ and Mambwe (40·8 per cent),⁷ all of whom live in rural areas. The proportions, however, are not directly comparable because of the difference in age structure between the rural and urban populations but it seems reasonable to assume that because rural divorce ratios are so much higher than the urban, the difference between them is not great when the differences in age structure are taken into account. We must conclude, therefore, that although African urban marriages are undoubtedly un-

¹ Wilson, G., 1942, p. 41, for example, emphasizes the instability of urban marriages—particularly of tribal out-marriages.

² Difference = 3·5 per cent; S.E. of difference = 4·87; C.R. = 0·72; $p = 0\cdot47$.

³ Mitchell, J. C., and Barnes, J. A., 1950.

⁴ Mitchell, J. C., 1949, pp. 293–308.

⁵ Barnes, J. A., 1951, Table XI, Ratio C.

⁶ Turner, V. W., 1957, Table VII.

⁷ Watson, W., 1958, Table XII.

stable they are no more unstable than African marriages in the Territory are generally.¹

Length of Residence in Towns

There is some reason to believe that those who have lived in town for long periods might choose their spouses from those who similarly are predominantly townsmen. The sophisticated town African frequently looks upon the recent immigrant to town as a rude country bumpkin unversed in the arts of civilization which are so much the part and parcel of urban living. Table III sets out the length of residence of bridegrooms against the length of residence of their brides.

TABLE III : LENGTH OF RESIDENCE IN TOWNS OF BRIDEGROOMS AGAINST BRIDES

<i>Residence of bridegrooms</i>	<i>Length of residence of brides</i>			<i>Total</i>
	<i>Less than 2 years</i>	<i>3 to 9 years</i>	<i>Over 10 years</i>	
Less than 2 years . . .	13	6	5	24
3 to 9 years . . . :	35	38	16	89
Over 10 years	20	30	19	69
Total	68	74	40	182*

* Excludes one marriage in which the length of residence of the bridegroom was unknown.

Four of the 183 brides and one of the 182 bridegrooms had been born and brought up in the towns. The mean length of residence of the brides (excluding those born on the Copperbelt) was 5·2 years, while the mean length of residence of the bridegrooms was 8·9 years. This difference is probably related to the difference between the ages of brides and bridegrooms. We have seen that the mean age of adult females on the Copperbelt is 27·1 and of adult males 32·1 years. There is no evidence that the males had come to town when they were older than the females, so that, on the whole, they have had more opportunity of living in town longer.

Table III shows that there is a slight tendency for men who have been in town for a relatively long time to choose wives who similarly have been in town longer. Of the men who had been in town for less than two years, 54·2 per cent chose wives who, like themselves,

¹ The root of this instability itself is outside the scope of this paper. It is undoubtedly related to the type of kinship system of the majority of people in the Federation. See Gluckman, M., 1950.

had been in town for less than two years. Of the men who had been in town between three and nine years 39.3 per cent chose wives who had been in town for less than two years. Of the men who had been in town for ten years and more only 27.5 per cent chose wives who had been in town for less than two years. In the same way, of the twenty-four men who had been in town for three years and less 12.5 per cent chose wives who had been in town for three years and less ; of the eighty-nine men who had been in town for between three and nine years, 40.0 per cent chose wives who had been in town for ten years and more ; of the sixty-nine men who had been in town for ten years and more 47.5 per cent chose wives who, like themselves, had been in town for more than ten years. However suggestive this trend is it is not marked enough for us to place much confidence in it, and we must assume, in the absence of additional information, that there is no selection of spouses in terms of length of residence in town.¹

Inter-Tribal Marriages

We expect marriages to be built on the framework of social relationships that already exist : that men choose their wives from their range of associates and acquaintances rather than from outside them. Unfortunately our studies of social structure in urban areas has only just begun and we are unable to substantiate this hypothesis in general. We may record the following facts :

Among the 183 men who had married—

Six men (3.3 per cent) had married women from their own villages.

Twelve (6.6 per cent)² had married women from among their own kinsmen.

Thirty-six (19.7 per cent) had married women from their own chiefdoms.

Sixty-eight (37.2 per cent) had married women from their districts of origin.

Seventy-four (41.0 per cent) had found women from their own tribal group.

One hundred and thirty-one (72.7 per cent) had found wives from their own ethnic group.

These figures by themselves do not tell us much because the series of social groups from village to ethnic group represent an ever-widening range of social contacts. We may expect that there would be relatively few people from the same village in the whole population of any one town, and that there would be a much greater number of people from the same ethnic group. Unless we are able to compare the number of marriages contracted between fellow villagers in town with the number of opportunities of marriage with fellow villagers

¹ Chi square = 6.51. With four degree of freedom $p = 0.16$.

² Six married their mothers' brothers' daughters, four their fathers' sisters' daughters and two their 'grandchildren'.

in town, we are unable to draw any conclusions about the tendency of people to marry fellow villagers rather than outsiders.

I do not possess the information to be able to do this for marriages between people from the same village, but it is possible to arrive at some judgment of the effect of choice for some other categories. The most significant of these, I think, is tribe.

Marriages between people from different tribes frequently give rise to many conflicts and social problems. These arise from the different practices and customs in tribes, as for example the rights to the custody of children or the customary place of residence in marriage. The majority of Africans on the Copperbelt are from the matrilineal tribes but there are also a number from patrilineal people. When spouses are drawn from tribes with these differing backgrounds no administrative or social problems are likely to arise providing that the marriage is not dissolved or they do not leave the Copperbelt. But if the marriage is dissolved the question of the custody of the children is raised and here the conflict of matrilineal and patrilineal principles is involved. If the couple decides to leave the town also there must be a conflict because if the couple is to stay together they must decide which of the two rural homes they will return to.¹ Because of the administrative and social problems associated with inter-tribal marriages their frequency is sometimes exaggerated. Table IV classifies the tribes of men against the tribes of the women they have married. (See Table on pages 14 and 15.)

This Table shows that among the 183 marriages there were 108 (59·0 per cent) tribal out-marriages. There is no doubt that a large proportion of these marriages represent potential 'problem cases', but we need to compare this figure with the proportion of tribal out-marriages which would take place if there were no selection of partners. If a man were to choose his spouse entirely at random from the marriageable women he meets he would choose as readily from one tribe as from another. In other words, the wives chosen by the 28 Bemba men in Table IV would be taken in equal proportions from the women in all the tribes on the Table. We would expect, in fact, that $28/183$ or 0·153 of the women of each tribe will have married a Bemba man. The number of marriages of Bemba men to Bemba women on these assumptions would be $28 \times 28/183$, which is approximately four. In fact the actual number of Bemba-Bemba marriages was seventeen, over four times as many.

By using this technique we are able to compute the total number of expected tribal in-marriages on the assumption that no choices

¹ It is for this reason that marriages on the Copperbelt appear to be marriages of convenience only, i.e. the marriage persists for the duration of the stay in town alone. Actually the conflict is not inevitable. For example, a Lunda man from Kabompo district had been in town for twenty-six years and married a Lamba woman after he had been there fifteen years. He has had his tax registration altered and says he will not return to Kabompo but will go to his wife's village when he leaves the Copperbelt.

TAB

HUSBAND

WIFE'S TRIBE	Kaonde	Luchazi	Mbwela	West Lunda	Mbunda	Lovale	Chokwe	Ambo	Lenje	Ila	Bemba	Bisa	Lala	Lamba	Lima	East Lunda	Mukulu	Ushi
	10	1	1		1					1	1			1	1	1	1	1
Kaonde . . .	10	1	1		1													
Luchazi . . .		1																
Mbwela . . .																		
West Lunda . .																		
Mbunda . . .																		
Lovale . . .																		
Chokwe . . .																		1
Ambo . . .	1														1			
Lenje . . .	1													1	1	2		
Ila . . .														17	1	2		1
Bemba . . .														5	7	3		1
Ila . . .														1	14			1
Lala . . .																		1
Lamba . . .	1														3	1		
Lima . . .		1												2	1	2	3	
East Lunda . .														1				1
Mukulu . . .														2				
Ushi . . .								1						1	1			1
Chishinga . .																	2	2
Swaka . . .	1								1					1	1			
Tabwa . . .																		
Lungu . . .														1				2
Ng'umbo . .																		
Shila . . .																		
Ngwela . . .														1	1			
Nsenga . . .		1						1					1					1
Chewa . . .																		
Kunda . . .																		
Yao . . .																		
Lake Tonga . .														1				
Nyakyusa . .																		
Tumbuka . .																		
Henga . . .																		
Nyamwanga .																		
Malila . . .																		
Iwa . . .																		
Ngoni . . .																		
Kalanga . . .																		
Kwangwa . . .																		
Lozi . . .					1													
	13	3	2	1	1	1	—	2	2	—	28	17	22	7	6	6	5	5
	21 ^a							4 ^b										

a. Total Western Matrilineal Group. b. Total Central Matrilineal group. c. Total Northern Patrilineal group.
 f. Total Southern Patrilineal group.

cilineal group. d. Total Eastern Matrilineal group. e. Total Northern Patrilineal group.

a. Total Bilateral group.

are involved.¹ We find that the expected proportion of tribal in-marriages is 7·11 per cent while the actual proportion is 41·0 per cent. In other words, there are nearly six times as many marriages between people of the same tribe as we could expect if no selection were involved. By using the same computational procedure we may deduce that while the proportion of marriages within the same ethnic group is 71·6 per cent the expected proportion is 41·6 per cent. In other words, marriages occur within the ethnic group 1·72 more times than we may expect if there were no selection of spouses.

Wilson makes the point that 'A Bemba girl's first marriage in town today nearly always unites her to a fellow tribesman'.² In order to test this statement I have compared the proportion of expected to actual tribal in-marriages among spouses who are marrying for the first time, and the expected to actual proportion of tribal in-marriages among spouses who were contracting their second and subsequent unions. The results are as follows :

<i>No. of marriages</i>	<i>Expected per cent of tribal in-marriages</i>	<i>Actual per cent of tribal in-marriages</i>	<i>Ratio of expected to actual</i>
First : :	8·27	47·46	5·74
Second and subsequent : :	6·73	38·98	5·79

This evidence suggests therefore that in fact in so far as marriages which are contracted in towns are concerned, there is no difference in the ratio of expected to actual tribal in-marriages. Over the urban population as a whole we would expect Wilson's statement to be true because usually a girl's first marriage is contracted in the rural area before she comes to town and these are almost invariably tribal in-marriages, but in so far as marriages contracted in town are concerned there does not appear to be any difference.

Following the lines of reasoning we have developed, we may compute an index which shows the extent to which either the men or the women of a tribe seek their spouses among other tribes.³

¹ The expected proportion of marriages within the same tribe is :

$$\frac{1}{N^2} (h_1 w_1 + h_2 w_2 + h_3 w_3 \dots h_n w_n)$$

where N is the total number of marriages ; h_1 is the number of husbands from the first tribe ; w_1 is the number of wives from the first tribe ; h_2 is the number of husbands from the second tribe ; w_2 is the number of wives from the second tribe, etc.

² Wilson, 1942, p. 49.

³ The index would be $100A/E$ where A is the actual number of marriages outside the tribe and E is the expected number of such marriages. From the

With such an index a value of 100 indicates that no selection of spouse takes place. An index of less than 100 indicates that marriage takes place rather within the tribe than outside it, an index of over 100 indicates that marriage takes place outside the tribe rather than in it. Unfortunately there is not enough material to allow an analysis of out-marriage for each tribe. I list the out-marriage index for the ten most numerous tribes below.

Out-marriage index

Tribe	Husbands	Wives
Kaonde	25	36
Lala	41	38
Ngoni	52	27
Bemba	46	46
Lamba	59	42
Nsenga	46	63
Lima	52	69
Bisa	67	75
Swaka	70	89
Lenje	105	101

These indices tell us that Kaonde, Lala and Bemba men and women, for example, tend rather to marry within their own tribes than to marry outside it. As far as the Lenje in this sample were concerned it appears that they chose marriage partners from other tribes as readily as from their own. Ngoni men and, to some extent, Lamba men tended to marry outside their tribes more readily than the women from their tribes, while Nsenga, Lima and Swaka women tended to marry outside their tribes more readily than their menfolk did. The degree of tribal out-marriage is no doubt related to the tribal sex ratios in towns : if there is a marked preponderance of men from one tribe in town over the women from the same tribe it

point of view of the husbands the actual number of out-marriages would be

$$h - I$$

where h is the total number of husbands and I is the number of marriages within the tribe.

The expected number of tribal out-marriages would be $\frac{h(N-w)}{N}$ where N is the total number of marriages in the sample and w is the number of wives.

The index is thus

$$\frac{100(h-I)}{h(N-w)}$$

which is :

$$\frac{100Nh - 100NI}{Nh - hw}$$

By analogy the index of tribal out-marriage for the women of any one tribe is :

$$\frac{100Nw - 100NI}{Nw - hw}$$

is clear that the women could contract only in-marriages with their tribesmen, while the men must perforce marry women from other tribes. Unfortunately I cannot pursue this analysis because I lack the data to do so.¹

If men and women marry into other tribes we are entitled to ask whether there are any tribal preferences in such marriages. To answer this question we may compute another set of indices of the type we have already used.² Unfortunately, because of the detailed breakdown into tribes in Table IV, the cell frequencies are not large enough to bear an examination of individual tribal marriage preferences. Nor would cell frequencies, by ethnic groups, be large enough for such analysis. As an illustration, however, I have listed the marriage preference indices by ethnic groups for three tribes, the Bemba, the Bisa and the Nsenga.

TABLE V : INDICES OF CONJUGAL SELECTION FOR BEMBA, BISA AND NSENGA TRIBES^a

	Bemba			Bisa			Nsenga		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Own tribe .	397	397	397	343	343	343	628	628	628
West Mat. .	0	0	0	0	0	0	0	51	32
Cent. Mat. .	50	0	38	83	208	118	235	269	245
North Mat. .	61	65	63	90	90	90	39	20	28
East Mat. .	28	24	26	47	92	74	0	143	112
North Pat. .	0	82	65	0	104	87	0	0	0
South Pat. .	0	50	31	0	0	0	0	331	231

^a Here values of the index less than 100 show negative selection, an index of 100 shows neither positive nor negative selection ; and values over 100, positive selection.

The striking feature of this tabulation is the extent to which each tribe marries into itself. Among the Nsenga in Luanshya, for example, there were over six times the number of marriages within

¹ I hope to be able to take up this and other points arising from this essay in more systematic analysis based on the extensive social survey material collected in the towns of Northern Rhodesia.

² This index would be of the same form, viz. $100 \cdot A/E$ where A is the actual number of marriages between, say, the men of any given tribe and the women of any other given tribe and E is the expected frequencies of such marriages. E would be computed by

$$\frac{1}{N}(h_1 \times w_2)$$

where N is the total number of marriages, h_1 is the total number of men of the one tribe and w_2 the total number of wives in the other tribe. The formula for the index thus becomes

$$\frac{100AN}{h_1w_2}$$

the tribe than could be expected by chance. For each tribe also, clear preferences and negative tribal selections are shown by the index. The Bemba, for example, negatively select members of the Western and Eastern Matrilineal tribes and reject less severely the Northern Matrilineal peoples and the other tribes of the Northern Matrilineal group. The Bisa apparently reject the Western Matrilineal people and the Southern Patrilineal people but select the Central Matrilineal and Northern Matrilineal peoples more strongly. The Nsenga select the Central Matrilineal people and the Southern Patrilineal strongly and reject the Northern Patrilineal, Northern Matrilineal and Western Matrilineal people. These preferences and rejections follow the pattern of social distance which has emerged from preliminary studies in this direction : marriages in towns seem to be contracted by persons whose tribes are either geographically adjacent or otherwise culturally related.¹

In general we must conclude that the selection of a spouse in town is related partly to the demographic features of the population in which the selection takes place, partly to certain sociological factors of which tribalism is an important one.² But this does not mean that I argue that these two types of factor are by themselves sufficient to explain the selection of all marriage partners. Obviously personal factors also play a part but these I treat as a residual category.

III. CONTRACTING THE MARRIAGE

The Go-between

Although there are considerable differences from one Bantu group to another in the way in which marriages are contracted, there are nevertheless certain features common to them all. Marriage in any society where kinship is the dominant feature of the social structure, is essentially a process in which two kin-groups assume a special relationship to each other by virtue of the production of children to one or both of the groups. Before a marriage is contracted, therefore, some formal mode of opening discussions is necessary. In nearly all Bantu groups this involves the services of a go-between whose duty it is to contact the woman's group on behalf of the man's. When the initial contacts have been made it is then possible for responsible kinsmen on both sides to meet and discuss the marriage and open negotiations concerning the exchange of wealth which sets the formal seal on the new relationships pertaining between the groups. I have been unable to establish what

¹ See the preliminary results of a social distance study reported in Mitchell (1956).

² These are, as I have said, numerous and I have made no attempt to explore them sympathetically in this paper. I have strong evidence, for example, to show that educated men select educated wives. I hope to examine these other features by using the social survey data at some later date.

relationship the go-between bore to the husband in traditional marriages among the Bemba and the related tribes. In our sample of 183 marriages we omitted to record details of the go-between in seventy-five cases. In thirty-nine of the cases (36·1 per cent) the husband himself opened marriage negotiations. In twenty marriages (18·5 per cent) the husband's friend did so. In two marriages, friends of the husband's parents acted as the go-between and in the remaining forty-seven cases kinsmen of varying degree undertook these duties. In seven cases the degree of kinship was omitted. The forty kinsmen who performed the duties of go-between were: mother's sister, 1; father's sister, 1; father, 1; mother's brother, 7; father's sister's son, 5; father's brother's son, 1; own brother, 7; own sister, 4; sister's husband, 5; mother's brother's son, 1; mother's sister's son, 4; mother's sister's daughter, 1; sister's son, 2. A slightly higher proportion of male kinsmen were used as go-betweens as against sponsors (see below, p. 26), but the significant difference is that while 58·0 per cent of the sponsors were in the first ascending generation only 23·0 per cent of the go-betweens were in that generation.

An important point in the selection of a go-between is that among many of the tribes on the Copperbelt the avoidance of parents-in-law begins, as it were, in anticipation of the marriage. The tendency, therefore, is to choose a person who would not be involved in the avoidance relationships with affines in the first ascending generation. The tendency therefore is to ask a friend to perform these duties. One man asked the policeman in the compound to act on his behalf.

The circumstances in industrial towns, however, call for changes in the rules of proper behaviour. Where suitors themselves approached the kinsmen of their prospective wives they justified their action by saying that they had no person available who was able to do this for them. For example, one suitor had sent his own brother as a go-between. His own brother also stands in the relationship of son-in-law to the suitor's prospective parents-in-law. The suitor explained that he had no option because there was simply no other person that he could have asked to do this for him. Often the kinsman who accepted responsibility did not stand in the parental relationship to the girl, so that the avoidance relationship was not called for. For example, in one marriage where an Nsenga man was marrying an Nsenga woman, the wife's sponsor was her own sister. The husband was thus able to approach her direct since she stood in the relationship of future sister-in-law who, by custom, need not be avoided. The same is true for those marriages where the bride's sponsor was her brother. Perhaps the most complete solution of this difficulty was provided by one marriage in which a woman arranged a marriage between her own sister and one of her paramours. The woman acted as both go-between and as sponsor.

The Sponsors

In each marriage there are certain kinsmen of the spouses who accept special responsibility for the affairs of that marriage. In rural areas where the tribal system operates it is usually possible for some kinsmen of some specified relationship to be able to undertake these responsibilities. Among the matrilineal people it is frequently either the brother or mother's brother of each spouse. In urban areas the tribal system does not operate and it may not always be possible for an African to find a kinsman of the customary degree to be a sponsor to the marriage. Instead, as Wilson points out for Broken Hill,¹ kinsmen of varying degree are enlisted to undertake these responsibilities.

One of the main duties of the sponsor is to accept the marriage payment. By so doing he accepts the responsibilities and duties in connection with that marriage. In particular he will be expected to refund the marriage payment if, for some reason, the marriage ends and the husband is able to reclaim it.

The diagram shown overleaf sets out the frequency with which kinsmen of varying degree were sponsors to the marriages. The commonest sponsor was the bride's own brother though, in general, there were fewer sponsors from her own generation than from her parent's. In her parental generation her own parents and her mother's brother were by far the most common sponsors. There was no sponsor from the second ascending generation and four from the first descending generation. In four marriages the sponsors stood as son or daughter to the bride and one as mother's sister's husband. In three marriages the relationship of the sponsors was not recorded, so that in only three marriages were the sponsors non-kinsmen. Perhaps the most striking feature of these town marriages is the degree to which appropriate types of kinsmen are still able to undertake marriage responsibilities as they do in the rural areas. Kinship systems are sufficiently flexible to allow appropriate kinsmen to be found in almost any community.

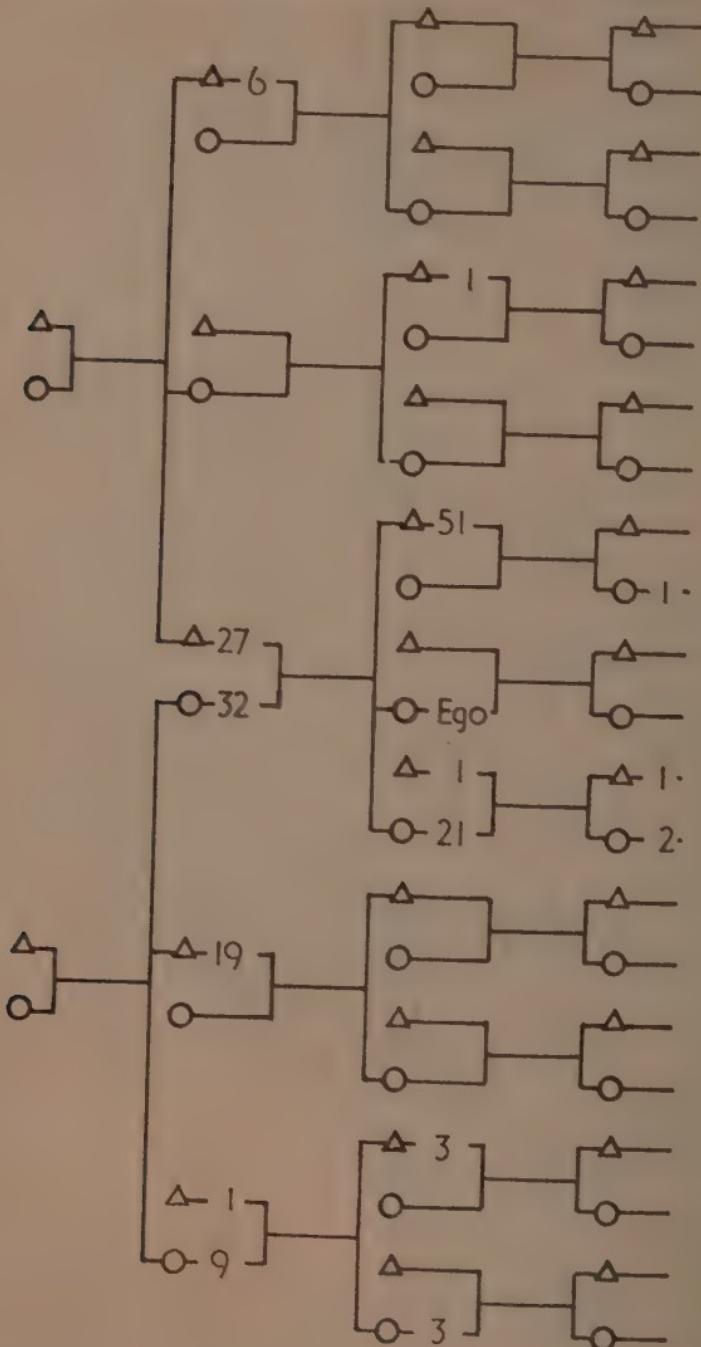
Marriage Payments

There is a good deal of variation in the amount of the marriage payment made. The marriage payment referred to here is the Bemba *mpango*, or its equivalent in other tribes. This is the payment which conveys uxorial rights to the husband² and is not the *cisungu* payment which, on the Copperbelt, is sometimes as high as £7 and which is paid to the parents of a girl who marries for

¹ Wilson, G., 1942, p. 51.

² We may divide the rights a husband acquires over his wife in marriage into two broad groups. The first of these are his genetrical rights, that is rights in his wife as the mother of his children. These rights, significant among patrilineal peoples, confer the legal ownership of the children of the woman upon the husband. The second set are his uxorial rights : his rights in his wife *qua* wife. These include her services both sexual and domestic. See Bohannan, L., 1949; Barnes, J. A., 1951, p. 113.

RHODES-LIVINGSTONE INSTITUTE
 RELATIONSHIP OF MARRIAGE SPONSORS TO BRIDE



Totals

94

80

4

he first time. The *cisungu* payment is supposed to be a payment made by the man who changes her state from a virgin to a woman and is therefore technically paid once only in respect of each girl. It is patently non-returnable. The *mpango*, on the other hand, transfers uxorial rights to the man and is returnable if subsequently there is a divorce, the blame for which can be laid at the bride's feet. The marriage payments made in town were all in cash. The following is the distribution of payments made in all 183 marriages.

TABLE VI: AMOUNT OF MARRIAGE PAYMENT

<i>Marriage payment</i>	<i>Frequency</i>
Under 5s.	1
5 to 9s.	4
10 to 19s.	11
20 to 29s.	58
30 to 39s.	47
40 to 49s.	24
50 to 99s.	26
100 to 159s.	8
160s. and over	4
Total :	183

The mean of this distribution is 40s. 7d. and the median payment was 33s. 10d.

This average includes in it all the tribes in the town, some of whom traditionally pay high marriage payments and some of whom do not. In Table VII the marriage payments made are classified against the ethnic group of the bride.

TABLE VII: MARRIAGE PAYMENTS CLASSIFIED BY BRIDE'S ETHNIC GROUP

<i>Bride's ethnic group</i>	<i>Amount of marriage payment</i>				
	<i>Less than 30s.</i>	<i>30s. to 49s.</i>	<i>50s. and over</i>	<i>Total</i>	<i>Median</i>
Western Matrilineal . .	4	6	8	18	40·1
Central Matrilineal . .	3	10	—	13	34·3
Northern Matrilineal . .	61	40	17	118	20·3
Eastern Matrilineal . .	6	11	6	23	33·4
Northern Patrilineal . .	—	—	2	2	a
Southern Patrilineal . .	—	4	4	8	a
Bilateral	—	—	1	1	a
All groups	74	71	38	183	33·9

a Numbers too small.

On the evidence we have here the marriage payments made by husbands for wives from patrilineal tribes is rather higher than among matrilineal tribes, 94·1s. against 40·6s. But the sample of patrilineal marriages is so small as to make generalization from this sample unsafe.¹ From mean payments in Table VII we can see also that there are some variations between the various types of matrilineal tribe. The highest median payment was made by the Western Matrilineal people and the lowest by the Northern Matrilineal people, and there seems to be little doubt that in fact the marriage payments made in respect of women from the Northern Matrilineal people in town are lower than those made for women from other matrilineal peoples.²

I have the impression that Africans on the Copperbelt are tending to conform to a Copperbelt 'norm' of marriage payments. A good deal of analysis would be necessary to establish this as an incontrovertible fact, but the payments made to kinsmen of Bisa spouses are interesting. The kinsmen of the bride have the right to set the amount of the marriage payment, and we may argue that even if marriage payments are not customary in the husband's tribe, if he is marrying into a tribe where these payments are made he will pay them. Among the Bisa the marriage payment in the rural areas is very small; it is usually about 6d. In the marriages of the twenty-two Bisa brides on the Copperbelt the payments were as follows: Lenje husband, 5s.; Bemba husband, 5s.; Tumbuka husband, 8s.; Bemba husband, 10s.; Bemba husband, 15s.; four Bisa, one Mukulu, one Lala, one Yao, one Nsenga husband, each 20s.; one Bisa and one Lala husband, each 30s.; one Bemba, one Bisa and one Nyasa Tonga, each 40s.; one Ushi husband, 60s.; one Bisa and one Bemba, each 80s.; and one Bisa husband, 90s. It is possible that in the larger amounts some of the *cisungu* payment is included but note that eight husbands marrying Bisa wives on the Copperbelt were asked to pay 20s. and two more 30s. and three more 40s. The median marriage payment made for Bemba wives was 30s., for Lala wives, 22s., for Nsenga wives, 23s., for Kaonde wives, 21s., and for Bisa wives, 25s. The median payment as a whole was 34s. Of particular interest is the marriage of a Yao man from Fort Johnstone to a Bisa woman from Serenje. Not only do the Bisa have a small traditional marriage payment but the Yao have none at all. Yet in this marriage on the Copperbelt the Yao paid 20s. to his bride's kinsmen.

As I have pointed out, the formal acceptance of the marriage payment confers upon the acceptor certain obligations in respect of the marriage. A pragmatic assessment of this responsibility is that if the marriage should be dissolved and the marriage payment has

¹ $n = 1$; Chi square = 11·93; $p = 0\cdot0006$. Small cell frequencies make the significance of doubtful validity.

² Combining totals for other matrilineal groups in Table VII, $n = 2$; Chi square = 11·763; $p \approx 0\cdot0028$.

be refunded, the person who has 'eaten' it, as the vernacular expression is, will have to find the money for the refund. This is only one aspect of his responsibilities which are broad and include, in general, the behaviour of the spouses to each other and the welfare of the marriage as a whole. But in industrial cities where, as Simmel pointed out many years ago,¹ a money economy dominates social relationships, the marriage parties see the marriage payment made in cash as a sort of insurance policy against the possible dissolution of the marriage. For example, a Lala man who had married a Bemba woman was asked why he had not married a person from his own tribe. His reply was that the marriage payment among his own people was small and that by making a marriage payment of £4, which his Bemba wife's relatives were prepared to accept, he would be able to reclaim a substantial amount if the marriage should be dissolved. Another Lala man who had married a Lala woman was asked why he had made a marriage payment of 0s. instead of the sum of about 5s., usually paid in his tribal home of Serenje. He replied that he looked upon it as a way of saving and that it would have to be repaid if there was a divorce. He also said that his wife would not be as 'proud and cheeky' as she would have been had he only paid the usual amount.

If the bride's relatives accept a large marriage payment clearly they will bring pressure to bear on the bride to be a good wife. If the bride does not conform to the norms of good marital behaviour, particularly if she commits adultery, the relatives will have to refund the marriage payments they had accepted earlier. While this certainly operates to reaffirm the moral basis of marriage and to bring pressure to bear on deviant wives, it also forces kinsmen of the brides to adjust their behaviour to the possibility of repaying the marriage payment. Some deliberately save the money so that it will be available if the marriage is dissolved. One sponsor, for example, said he was keeping the marriage payment because he was afraid to use it immediately. He remarked that he wanted to see whether the couple were going to live together successfully before he spent the money and went on to say that, as he saw it, young men married nowadays only to get divorced after a short time when they always reclaimed their marriage payments. Others make sure that the sponsor to the marriage is one who is able to repay the money if it becomes necessary. Thus some sponsors justified their taking the marriage payments because the girl's parents or other relatives were too poor to refund the payments, if they should be called upon to do so. Frequently the sponsors in town justified their taking the money by referring to the poverty of their rural relatives. A Kaonde man, for example, when asked why he did not send the money back, said that he felt that he was able to pay the money

¹ 'Die Grosstadt und das Geistesleben' 1903, reprinted from Wolff, K. H., *The Sociology of Georg Simmel*, The Free Press (Glencoe, 1950), in Hatt, P. K., and Reiss, A. J., 1951.

back 'if troubles arise' but that the parents in the village do not work and are very poor. The rural relatives apparently do not always accept this statement of the position. In at least one case they wrote to the sponsor in town and asked for the money but he wrote back saying that *he* was in a better position to repay it.

Some of the sponsors, on the other hand, were eager to find other kinsmen to accept the responsibility. One old woman, for example, accepted the payment on behalf of her daughter but she sent it on to her son who, she felt, was in a better position to be able to refund it. In another marriage the wife's mother's brother had taken the payment. The wife's parents apparently were poor but, significantly her mother's brother owned a store.

The fate of the marriage payment, therefore, is to some extent an index of the degree to which the responsibility for the marriage is accepted by the local kinsmen of the partners. In the majority of marriages (88·0 per cent) the sponsor of the marriage took the marriage payment. In twenty-two marriages other people stood in for the proper sponsor and subsequently sent the marriage payment to someone else. These were to the bride's father in 7 marriages ; to her mother's brother in 7 marriages ; to her brother in 3 marriages ; to her mother in 1 marriage ; to her son in 1 marriage ; to her mother's father in 1 marriage ; to her mother's sister in 1 marriage ; unknown in 1 marriage. Summarizing this information, therefore, we may say that the responsible relatives were in fact :

brother	.	.	.	.	.	.	45
father	.	.	.	.	.	.	33
mother	.	.	.	.	.	.	30
mother's brother	.	.	.	.	.	.	26
sister	.	.	.	.	.	.	19
mother's sister	.	.	.	.	.	.	8
father's brother	.	.	.	.	.	.	6
mother's sister's daughter	.	.	.	.	.	.	3
mother's sister's son	.	.	.	.	.	.	3
sister's daughter	.	.	.	.	.	.	1
mother's sister's husband	.	.	.	.	.	.	1
sister's son	.	.	.	.	.	.	1
sister's husband	.	.	.	.	.	.	1
mother's father	.	.	.	.	.	.	1
father's sister's son	.	.	.	.	.	.	1
son	.	.	.	.	.	.	1
non-kinsmen	.	.	.	.	.	.	1
not recorded	.	.	.	.	.	.	2
Total	.	.	.	.	.	.	183

Some of these sponsors normally lived in towns and some in the rural areas. Of the 182 for whom we recorded the details, 134 or 73·6 per cent were living on the Copperbelt and accepted the marriage payment. Forty-six or 25·3 per cent sent the payment on to

appropriate kinsmen in the rural areas, one sponsor sent part of it back to the tribal area and retained part, and one sent it on to another kinsman on the Copperbelt.

Copperbelt Marriage

The most interesting point that has emerged from the data presented in this paper is that, in spite of the fact that the milieu of *ban* is so different from that of the rural marriages, many of what I may call the *tribal* features of marriages appear to have persisted. Marriages were contracted according to a standard procedure. Even if the suitor himself, and not a suitable go-between, had to initiate marriage negotiations, the assumption that marriage should be contracted by negotiation with appropriate kinsmen was not questioned. In each of the 183 cases studied marriage payments had been made: the validity of the payment in establishing a marriage had been made: the validity of the payment in establishing a marriage has not yet been questioned. All couples felt that some person should stand as sponsor to the marriage but in only one marriage was the sponsor a non-kinsman. Although the range of kinsmen called upon to accept these responsibilities is probably wider than in rural areas, no less than 74 per cent of the sponsors were kinsmen of the degree that one would expect to find in a typical rural marriage among a matrilineal people, i.e. wife's parents, other or mother's brother.

It would be fatuous to argue that marriage in the towns is identical with marriage in rural areas as it obviously is not. It cannot be, where the network of social relationships on which marriage depends is so different. As Epstein has said: 'For when the members of a kinship group are scattered in this way all over the territory, can no longer operate as a unit, or effectually fulfil its traditional function . . .'¹ My own feeling is that African marriage on the Copperbelt is gradually assuming a character of its own. I have already suggested that a standard marriage payment seems to be coming to be accepted and that tribes who traditionally make no marriage payments are falling into line with the Copperbelt practice of making a payment of about thirty shillings. The fact that almost three of every four sponsors live on the Copperbelt suggests also that the influence of the rural kinsmen in enforcing the norms of conjugal behaviour is relatively unimportant.

If African marriage on the Copperbelt is tending to assume a general form derived from rural marriage but adjusted to the exigencies of urban living, we are entitled to ask what mechanism, in lieu of the kinship system, operates to enforce the norms of married behaviour. Mair has pointed out in respect of the family in urban areas that: 'There is no longer any organization outside the family for inculcating accepted rules and values in the next generation'.² On the Copperbelt I suggest this mechanism or

¹ Epstein, A. L., 1953b, p. 11.

² Mair, L. P., 1953, p. 155.

agency exists, in so far as marriage is concerned, in Urban Courts.¹ These Courts, the first of which was established in 1938, are composed of four or five members from selected tribal areas, from which a substantial proportion of the African population has come. These Courts adjudicate in the disputes arising among those Africans who live in town and to a considerable extent these are domestic cases.² The Courts are supposed to administer Native Law and Custom but the problem arises as to what is Native Law and Custom in urban areas where circumstances make the operation of many tribal usages impracticable. By examining the judicial process in these Courts, Epstein has been able to show that these courts measure the behaviour of litigants against a standard or norm of behaviour appropriate to the particular position of the persons involved. In discussing a divorce case he writes : ' It is important for the examination of the relations between Cewe [the defendant] and his father-in-law to discover whether both acted according to the norms appropriate to their relationships. What presents did Cewe make to his father-in-law since coming to Ndola ? Was he on "proper" terms with his mother-in-law ? Again, did Peter Mwamba [the father-in-law] give a fitting welcome to his son-in-law on his arrival from the village ? '³ Using these norms the Courts are able to decide whether wrongs have been committed and, in particular, to admonish those who have deviated from the accepted norms of behaviour. For example, Epstein quotes the judgment in a case in Mufulira in which an adulterous husband who had sought a divorce was admonished. The Court ended its judgment saying : ' You, fellow, you are mad, you have no sense. It never occurs to you that a man of wisdom ought not to go running about loosely as though he were an animal in the bush. Go now and stay in peace.'⁴ In other words the Court is, as Epstein says, ' more than a repository of the law, it is also a guardian of public morals '.⁵

An objection may be raised on the grounds that because the Court members are appointed by Native Authorities in tribal areas the public morals that they are the guardians of, are tribal rather than urban. I do not think that this is entirely so. Epstein writes : ' Inevitably the pressures towards social change are obtruding themselves upon the work of African courts '.⁶ He points out that ' through the standards of reasonableness the judges import into the judicial process the whole experiences of society ' and that ' society now includes the urban areas and that it was interesting to find the court members justifying their decision in a particular case on the grounds that it accorded with Copperbelt practice '.⁷

¹ These Courts are described in Epstein, A. L., 1951, 1953a, 1953b, 1953c.

² Of the 7,231 cases heard by the five Urban Courts on the Copperbelt, 27·7 per cent were domestic cases. These cases represented 58·0 per cent of all civil cases. Epstein, A. L., 1951, p. 122.

³ Epstein, A. L., 1953b, p. 9.

⁵ Epstein, A. L., 1953b, p. 10.

⁷ Epstein, A. L., 1953c, p. 30.

⁴ Epstein, A. L., 1953b, p. 10.

⁶ Epstein, A. L., 1953c, p. 37.

significantly, court members told Epstein that a new member 'fresh from the reserves, requires a lengthy period to adjust himself to the procedure in Urban Courts'.¹ During this period, no doubt, he is also adjusting the norms of Copperbelt behaviour and is so preparing himself to accept his responsibility as a court member to be a guardian of public morals'.

The tempo of change is probably different in different sections of the African population and the norms of behaviour which the court members are prepared to endorse must be a compromise between the die-hard tribal traditionalist on the one hand and the most sophisticated modernist on the other. The court members, no doubt, appear to each to be either too progressive or too conservative. But I suggest that the Urban Courts by explicitly stating, in their judgments, the norms they consider appropriate and by punishing deviance from these norms, are gradually bringing about a type of marriage which is independent of particular tribal custom and consonant with town living.

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¹ Epstein, A. L.; 1953c, p. 23.

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AFRICAN MARKET VENDORS IN LUSAKA WITH A NOTE ON THE RECENT BOYCOTT

by
A. A. NYIREND

FOREWORD

THIS is the first publication of the Rhodes-Livingstone Institute which sets out the results of a scientific investigation by one of its African Research Assistants. Mr. Ackson Nyirenda was appointed Junior African Research Assistant in July, 1951. His duties were mainly the routine interviewing of respondents in the Rhodes-Livingstone Institute Social Surveys in the urban areas of Northern Rhodesia. In 1953 Mr. Nyirenda was seconded to work with Dr. A. L. Epstein at Luanshya on a study which will be published soon. It was while Mr. Nyirenda was in Luanshya that he became interested in conducting a study of his own.

The scope of Mr. Nyirenda's study is, of necessity, limited. He collected the information in the time he had free from routine interviewing. In addition Mr. Nyirenda has had no special training in social science. I was unable to give him the close supervision I would like to have given so that what he has achieved has been very largely by his own industry and initiative.

It is significant, perhaps, that Mr. Nyirenda is attracted particularly to economics. Africans in the urban areas of Northern Rhodesia find economic problems to be pressing and important. But, in fact, there is very little reliable information on the economic activities of Africans in towns. The family budget material presented in Tables I and II of this paper was collected in an attempt to provide some first-hand information. In view of Miss E. M. Richardson's more thorough study conducted subsequently it did not seem worth while to prepare this material for publication. Mr. Nyirenda uses it here because at the time of going to press Miss Richardson's analysis is not yet available.

Mr. Nyirenda's study is concerned essentially with the petty trader in town. He shows that these petty traders are but insecurely fixed in their calling. They oscillate between trading and wage employment and tend to fall back on trading when for some reason or another wage employment is not available, or to seek wage employment when their trade has fallen upon evil days. To some extent petty trading absorbs seasonally unemployed unskilled workers who choose rather to remain in town than to return to their rural homes. Readers will no doubt feel that this study, more than ever, emphasizes the need for a thorough going analysis of the evolution of the successful trader.

In some ways the trading accounts of the fish vendors, the caterpillar trader, and the snuff vendor are the most interesting material that Mr. Nyirenda has to give us. To me his findings demonstrate two important facts that should be taken into account in future studies. Firstly there is the importance of a capital reserve for successful trading. This is brought out very clearly in the short case-histories Mr. Nyirenda presents: how one fish vendor had to fall back on wage-earning to acquire the funds to put his motor van back on the road: how the trader with sufficient capital behind him can cut down his expenses by buying in bulk and so achieve a higher net daily income. The second point that interests me and on which Mr. Nyirenda has provided a few appetizing snippets only, is the part that kinsmen play in the success or failure of a trader. Here and there in the paper we read of kinsmen, usually boys, who assist the trader in some way or another and who are paid in kind. We learn of a trader who lived with a kinsman while he was selling his goods at the market, of another who explained his loss by the fact that he had given so much of his goods to the kinswoman with whom he was living while in town. Economic relationships here seem to be part and parcel of a more generalized kinship relationship. To what extent have large-scale traders been able to build up their trade by taking advantage of the resources, both physical and financial, of their kinsmen? To what extent have small-scale vendors been unable to accumulate the capital necessary for a large-scale enterprise because of their onerous obligations to their kinsmen? These problems have emerged from Mr. Nyirenda's study—he did not set out to provide answers to them.

A detailed study of the emergence of a class of large-scale traders remains to be done, and Mr. Nyirenda's pioneering work will provide a useful basis from which it can start.

A couple of years after the original study was completed, an unforeseen problem presented itself in the form of a boycott of the Municipal markets by the vendors as a result of the Municipality raising the charges in the markets under their control. It was fortunate that Mr. Nyirenda happened to be available at that time, to study the conditions prevailing. These he records in the Note which follows the main Paper. Remarkably firm resolve on the part of a heterogeneous group of vendors, coupled with tolerance on the part of the authorities, which permitted the continuance of trading on a basis which was, strictly speaking, illegal, led to the acceptance by both sides of the proposal to form a Co-operative Society. Its formation was fostered by the appropriate Government Department, and at the time of writing, June, 1957, it is functioning in a most satisfactory manner, with a membership of around 800, and sufficient financial stability to be considering the erection of its own market buildings.

J. CLYDE MITCHELL

Explanatory Note

The present paper was originally prepared for delivery to the Rhodes-Livingstone Institute Research Officers' Conference held at the Institute Headquarters, Lusaka, in March, 1955. I wish to thank all the members of the Conference for their criticisms and suggestions. In particular I wish to extend my gratitude to Professor J. C. Mitchell of the University College of Rhodesia and Nyasaland, then Director of the Rhodes-Livingstone Institute, who was so interested in my paper that he suggested publication. I am also very grateful to Mr. C. M. N. White, M.B.E., Acting Director of the Rhodes-Livingstone Institute and Dr. A. L. Epstein, First Sociologist, for their relevant comments on my manuscript. However, for the final form in which the communication is presented I am alone responsible.

Method of Study

I decided to gather the information about the market vendors systematically on specially printed schedules. This information concerned sex, age, wage, occupation, length of occupation, reason for leaving, marital status, spouse's occupation, spouse's residence, tribe, district, educational standard, accommodation, commodities dealt in, where obtained, transportation, market attendance, price, daily sales, date began selling, number of assistants, relationship and each assistant's duty and wage. After the survey I revisited the markets several times to clear up certain points. In April I visited the markets on the Copperbelt, Ndola and Broken Hill. At Luan-shya I was able to weigh various commodities at the Mikomfwa African market.

I confined the survey to the two recognized markets in the Lusaka Municipality but I also made general observations in the unauthorized settlements like Mandevu. The survey started on the 11th December, 1954, and ended on the 4th January, 1955. I interviewed everyone I found selling goods within the official market premises. I did not include, for instance, the hairdressers who operate near the market but not within it. This also applies to some firewood vendors at Matero market.

Sample size in the two Markets

I conducted one hundred and thirty interviews at Matero market and one hundred and forty-three at the Main Town market. Although I conducted almost the same number of interviews in both markets the Main Town market comprises about twice as many vendors as the latter. The small difference in the number of interviews is due to two factors :

- (i) I conducted the survey over a longer period at Matero market than at the Main Town market.

(ii) I had already interviewed at Matero many of the vendors I found at the Main Town market.

I have on several occasions noticed that some vendors residing in Matero and the neighbouring unauthorized settlements sell at the Main Town market in the mornings and at the other market in the afternoons. For this reason I have treated both markets as one. Commodities sold at each of them are the same. The only difference is that out of fourteen *nsima*¹ and cooked rice vendors only one operates at Matero market. The reason for this is that the Main Town market is near the bus terminus and railway station so that passengers provide the customers for these commodities. It is also farther from the housing areas than Matero market and therefore some workers buy food from the vendors because it is too far for them to return for their mid-day meals.

A. A. N.

LUSAKA,

August 24, 1955.

I. INTRODUCTION

(a) *The Significance of Markets in Urban Areas*

Africans in urban areas, like town dwellers elsewhere, must perforce rely on their wages for subsistence. Though most African families cultivate small plots on what land they may, agricultural activities are, of necessity, reduced to a minimum and the produce from their plots do not constitute an appreciable proportion of their subsistence. Some receive part of their wages in the form of rations, but they have to buy additional foodstuffs which the employers do not supply. Food therefore forms the largest single item of expenditure in the budgets of urban Africans. Table I, which is based on the material collected by research assistants in Chingola and Mufulira in 1953, shows the average monthly expenditure of urban Africans. At the bottom of the table I show the total family size in man-values of each of the five expenditure groups.² The proportion of the budget spent on food varies from 80·5 per cent in the lowest expenditure group to 29·3 per cent in the highest with an average of 47·6 per cent. In Table II (p. 36) I show a break-down of the expenditure on food shown in Table I, in two categories:

- (1) Basic African food.
- (2) Food adopted from European contacts.

In the first category I include maize meal, meat and poultry, fish, pulses, maize and cassava, millet, rice, vegetable and fruit. The

¹ *Nsima* is the standard item of diet among the African population of Central Africa. It is a mush prepared from grain or cassava meal.

² The man-value coefficients were the same as those used by Betty Preston Thomson : *Two Studies in African Nutrition*, Rhodes-Livingstone Institute Paper No. 24, published for the Rhodes-Livingstone Institute by the Manchester University Press (1954), Appendix 11, p. 27.

TABLE I : AVERAGE MONTHLY EXPENDITURE BY QUINTILES
(actual amount)

Expenditure Group Sample Size	Less than £3 9s. 4d. 11			£3 9s. 4d.- £4 11s. 2d. 11			£4 11s. 2d.- £6 5s. 4d. 11			£6 5s. 4d.- £9 1s. 9d. 11			More than £9 1s. 9d. 11			Total 55		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Food *	.	.	.	2	4	9	2	8	8	2	18	5	3	12	2	14	9	0
Clothing	.	.	.	0	1	11	0	10	11	1	0	9	1	11	6	6	8	11
Household goods	.	.	.	0	2	2	0	4	6	0	6	4	0	4	1	2	15	2
Beer	.	.	.	0	4	5	0	5	4	0	10	9	0	9	8	1	3	5
Cycle and travel	.	.	.	0	0	0	0	2	1	0	0	3	0	13	10	1	16	10
Fuel and light	.	.	.	0	1	8	0	2	9	0	5	1	0	4	5	0	7	2
Housing	.	.	.	0	0	0	0	1	2	0	6	2	0	5	11	0	0	14
Tobacco	.	.	.	0	0	7	0	0	11	0	1	9	0	1	1	0	1	4
Miscellaneous	.	.	.	0	0	1	0	0	2	0	0	5	0	1	4	0	1	2
Total	2	15	7	3	16	6	5	9	1	7	4	0	11	1	4	30	6	6
Total family in man-values	18	45	24.80	28.65	31.25	25.65	11	1	4	14	9	0	128	80				

* This includes the cash value of rations where these are issued.

Source: Rhodes-Livingstone Institute Chingola and Mufulira African family budget survey January and February, 1953.

TABLE II: AVERAGE MONTHLY EXPENDITURE OF VARIOUS TYPES OF FOOD BY QUINTILES *

Expenditure group	Less than £3 9s. 4d.			£3 9s. 4d.- £4 11s. 2d.			£4 11s. 2d.- £6 5s. 4d.			£6 5s. 4d.- £9 1s. 9d.			More than £9 1s. 9d.			Total
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
(i) Maize-meal	0	15	9	0	16	1	0	16	2	1	4	4	0	17	5	4 9 9
Meat and poultry	0	10	4	0	10	6	0	14	9	0	16	1	0	16	1	3 7 9
Fish	0	5	6	0	6	4	0	6	9	0	10	3	0	9	0	1 17 10
Pulses	0	2	11	0	1	10	0	2	6	0	1	9	0	1	11	0 10 11
Maize and cassava	0	0	3	0	1	1	0	0	10	0	1	5	0	2	0	0 5 7
Millet	0	0	6	0	0	8	0	0	2	0	0	0	0	0	5	0 1 9
Rice	0	0	5	0	0	0	0	2	1	0	0	1	0	0	2	0 2 9
Vegetables and fruit	0	1	4	0	1	0	0	1	7	0	2	2	0	2	9	0 8 10
Miscellaneous	0	1	1	0	1	7	0	0	4	0	2	8	0	1	0	0 6 8
Total expenditure on basic African food	1	18	1	1	19	1	2	5	2	2	18	9	2	10	9	11 11 10
(ii) Bread	0	-1	10	0	2	7	0	3	9	0	3	10	0	3	10	0 15 10
Sugar	0	3	4	0	4	6	0	3	10	0	6	0	0	5	10	1 3 6
Tea and minerals	0	0	9	0	0	7	0	2	2	0	1	4	0	1	10	0 6 8
Butter and margarine	0	0	0	0	0	1	0	0	1	0	0	6	0	0	11	0 1 7
Cooking oil	0	0	7	0	0	9	0	2	2	0	0	10	0	1	8	0 6 0
Tinned relishes	0	0	2	0	1	1	0	1	3	0	0	11	0	0	2	0 3 7
Total expenditure on food adopted from European contacts	0	6	8	0	9	7	0	13	3	0	13	5	0	14	3	2 17 2
Total expenditure	2	4	9	2	8	8	2	18	5	3	12	2	3	5	0	14 9 0

* This is a break-down of the expenditure on food shown in Table I.

food adopted from European contacts includes bread, tea, minerals, butter, margarine, cooking oil and tinned relishes. Thus no less than 79·9 of the expenditure on food goes on basic African food-stuffs. The urban African buys most of his traditional food and even some of the European foodstuffs from the African market in the town.

(b) *Why Africans prefer to shop at the Market*

There are a number of reasons why Africans prefer to shop at the market. To begin with, many of the traditional foodstuffs cannot be bought at the grocer's. Again, the poorer African in the town is often only able to afford to buy small quantities at a time ; the average shop-keeper cannot cater for this kind of trade. Although this means that many commodities may be dearer than in shops, the system has the advantage that the African customer is able to spread his money over a number of items.

Finally women enjoy shopping at the market because nobody objects to their handling or even smelling some of the foodstuffs. They spend quite a time in deciding what to buy.

Although African markets today are widely patronized they are of recent origin. Traditionally trading was confined to small areas in the territory. There were no markets, in the sense of permanent places where buying and selling takes place. The economic development of the territory and the rise of industrial centres resulted in markets, and hence a class of vendors to satisfy the needs of an urban population not otherwise met.

(c) *Lusaka Markets*

Lusaka, with an African population of about 50,000, has been the capital of Northern Rhodesia since 1935. It is centrally situated in the territory on the main railway line and road route. Because of its position and rapidly developing industries, Lusaka has attracted many Africans from every part of the territory. There are two recognized markets in the town where Lusaka Africans can buy their traditional food ; Main Town market and Matero market.

The Main Town market is in the second class trading area at the southern end of the town. It is the best constructed single block market in the territory. It has arched doorways and is divided into three large sections. Cement slabs, on which vendors display their wares, are to be found in all sections of the building. There is a space under these slabs in which goods may be kept. Customers move in a fairly wide passage between the stalls as vendors stand or sit between the wall and the slab. Various commodities are sold in separate parts of the building. For example, fish is sold in one section while ready-cooked foodstuffs are sold in another. Outside the market building itself are sellers of firewood and charcoal, photographers and hairdressers. There is always at least one policeman present to maintain peace and good order since the

market is always crowded during business hours—particularly in the mornings.

The other market is in Matero Suburb. This is the largest African suburb in the town and lies about three miles from the centre of the town at the northern end. The market is situated in the trading area of the suburb. Unlike the Main Town market and like many other markets in the territory it is a rectangular block with low walls and a roof supported by brick pillars. There are two rows of cement slabs usually occupied by fish and bread vendors. Other vendors display their commodities on the floor in the enclosure.

(d) Markets Ordinance

Markets in Northern Rhodesia are regulated by the Markets Ordinance Chapter 124 of the Laws. In Lusaka both markets come under the control of the African Affairs Department of the Municipal Council. The Location Superintendents of the Main Town Location (Kabwata Suburb) and Matero Suburb each have a market master and his assistants on their staff. Their main duties are :

- (i) To preserve cleanliness in the market.
- (ii) To supervise the prompt removal and disposal of all litter, refuse and unsold produce at the close of each day's business, and
- (iii) To collect the daily one shilling market fee for every occupied stall.

Markets Regulations made under the Ordinance control the hours of operation and stipulate, *inter alia*, that only Africans with the produce of Northern Rhodesia are allowed to sell in these markets. In Lusaka nobody is allowed to sleep in the markets or to frequent them between sunset and sunrise.

II. CHARACTERISTICS OF MARKET VENDORS

In this section I set out certain social characteristics of the Lusaka market vendors, and discuss them in terms of the 'normal' distribution of the Lusaka population. In the total sample there were 223 male and 50 female vendors.

1. Male Vendors

(a) Age

Table III shows a breakdown of the market vendors by age groups, and the age distribution of the total Lusaka African population. It is clear from the table that the market vendors include a higher proportion of older men than would be expected if the vendors followed the 'normal' distribution of population. This is explained by the fact that old men would find it difficult to find employment, and it is only by selling in the markets that they are able to make money to enable them to stay in the town.

TABLE III

<i>Age group</i>	<i>Market vendors</i>	<i>Lusaka population</i>
	%	%
50 years and over . . .	10·3	4·5
25-49 . . .	62·3	64·4
24 and younger . . .	27·4	31·1
	100·0	100·0

(b) Conjugal status

The survey showed that a high proportion (70·9 per cent) of the vendors were living with their wives. This figure compares with 54·5 of the total Lusaka population who were found in the social survey to be living as single men, divorcees and grass widows. Most of the vendors appeared to live with kinsfolk or in shelters, near the market.

(c) Ethnic group

Table IV sets out the ethnic composition of the vendors. The highest proportion is drawn from the Bilateral (Lozi), and Western Matrilineal (Luvale, Chokwe, etc.) peoples. It seems likely that the predominance of these people in the Lusaka markets is explained by their tribal background. Even in the past the Lozi had a highly developed system of internal trade, while Brelsford¹ has noted for the Luvale that 'for generations they had been the traders and food suppliers to many areas of the Barotse plain'.

(d) Education

There are more uneducated male vendors than educated. In fact there are only 3·1 per cent of the male market vendors who are Standard VI or over while 6·7 per cent of the Lusaka population falls within this category.

TABLE IV

	<i>Market vendors</i>	<i>Lusaka population</i>
	%	%
Bilateral	14·3	4·0
Northern Patrilineal	10·3	5·0
Western Matrilineal	17·5	11·0
Southern Patrilineal	13·4	12·3
Northern Matrilineal	16·1	20·7
Central Matrilineal	8·0	14·4
Eastern Matrilineal	20·0	32·5
Others	0·4	0·1
	100·0	100·0

¹ W. V. Brelsford, C.M. (1947), p. 31.

(e) *Previous occupation in which full time male market vendors were employed and reasons for their leaving*

Of the two hundred and twenty-three male vendors, thirty-two had never been in wage employment. Of these thirty-two, three were self-employed building contractors, but because there was no work for them they were selling fish at the market; one was a hawker dealing in second-hand foods but the Belgian Congo government had confiscated his goods. He was now selling firewood. Twenty-eight were boys under 18 years—mostly schoolboys on holiday, and one part-time vendor was an evangelist. The remaining one hundred and ninety had been employed in various industries and had left because of different reasons. Fifty-five (28·9 per cent) of these one hundred and ninety had been discharged from employment. One hundred and thirty-five (71·1 per cent) had left of their own accord. They gave various reasons why they had decided to leave their previous employment and become full-time market vendors. I classified their reasons in four categories viz.:

(a) *Tired*: Bored with the daily monotonous labour, desire for less exacting work.

(b) *Low pay*: Heard and most probably believed that market-vending was more profitable than wage-earning.

(c) *Misunderstanding*: Resigned because of ill-treatment by employer or overseer.

(d) *Ready to run a business*: Had earned enough to enable him to open a grocery.

In Table V I set these reasons against the industry:

TABLE V: REASONS FOR RESIGNING AND INDUSTRY

	<i>Building</i>	<i>Commerce</i>	<i>Public Service</i>	<i>Mining</i>	<i>Domestic</i>	<i>Transport</i>	<i>Catering</i>	<i>Manufacturing</i>	<i>Agriculture</i>	<i>Total</i>
<i>Tired</i>	23	8	3	21	9	8	4	3	1	80
<i>Low pay</i>	2	9	13	1	2	3	1	2	2	35
<i>Misunderstanding employer</i>	1	1	2	0	7	0	2	1	0	14
<i>Ready run busi- ness</i>	0	3	1	0	1	1	0	0	0	6
<i>Total</i>	26	21	19	22	19	12	7	6	3	135

As can be seen from this table, eighty out of one hundred and thirty-five (i.e. 59·2 per cent) vendors who left the employment of

Their own accord stated that they resigned because of 'being tired'. This reason was commonest among those previously employed in the mining and building industries. I think the explanation of this is that people working in these industries, particularly artisans and abourers (as the case is here), are given *chikongwani* or *mugwazo* task-work). The larger the *mugwazo* one completes the more money one gets. This is usually called double ticket in the building industry, and because everyone is after 'double ticket' most of them work much harder. Consequently they overwork themselves and get tired very quickly. One former bricklayer said, 'I left because I was tired of going to work very early in the morning and returning late in the evening every day. I was doing so because I wished to lay many courses and get more money but eventually I became very tired and tendered my resignation.' He went on to say that by trading at the market he did not mean to make more money but to rest and earn a few shillings for food and house rent.

Thirty-five (26 per cent) stated that they left because of low pay. Many of them stated that they left because their wages could not take them up to the next pay time.¹ Fourteen (10·4 per cent) resigned because of a misunderstanding with the employer. Half of these were domestic servants. Domestic servants outnumber others in this category because many of them are supervised by women. In the African community men are regarded as being superior to women, thus it hurts many African male servants if they are reprimanded by a mistress. One ex-houseboy said, 'I resigned because the *Dona* (mistress) used to blame me for the mistakes for which she was responsible.' He went on to say that he nearly struck her when she referred to him as *makaka* (monkey) 'but because I knew that if I did so I would be imprisoned, I made up my mind to leave her employment and become *bwana-self* (own master) at the market', he added.

Six (4·4 per cent) resigned because they had earned enough money and were about to open groceries.

It is apparent that one of the main attractions of the calling of market vendor is the leisurely way of life. The man is his own master. He works and rests whenever he pleases. Many vendors dealing in fish, caterpillars and snuff make more profit than the wages they formerly earned. On the other hand a good number of pulse, bread and vegetable vendors are making less than the money they formerly earned but they do not seem to bother about it. The point is, I think, that they have reached a certain psychological state commented on by Max Weber about Indian workers. He says,

An increase in wage rate does not mean for them an incentive for more work or for a higher standard of living but the reverse.² They want more leisure.

¹ Cf. Betty Preston Thomson, op. cit., pp. 6 and 25.

² Gerth, H. H., and Wright, C. Mills (eds.), *From Max Weber, Essays in Sociology*, p. 414.

2. Female Vendors

Conjugal status

Below I set out the female vendors in proportion to the Lusaka African population by conjugal status:

	<i>Market vendors</i>	<i>Lusaka population</i>
	%	%
With husband	82·0	86·0
Without husband	18·0	13·1

There are relatively more females without husbands as market vendors. This is probably so because these females, unlike those with husbands, are more or less self-supporting hence they must trade in order to earn a living.

Among the married female vendors 80·5 per cent are either wives of market vendors and hawkers whose income is irregular, or of the lower paid sections of the community. It is apparent therefore that the attraction of females to trading at the market is the desire to increase their income which may be inadequate.

III. CHOICE OF COMMODITY FOR SALE

My next problem is to compare the characteristics of vendors who sell particular commodities. In Tables IV, V, VI and VII I submit the evidence I have on sex, ethnic group, education and age:

(a) Sex

TABLE VI: COMMODITY FOR SALE BY SEX

<i>Commodity for sale</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Fish	119	3	122
Bread	37	0	37
Vegetables	26	1	27
Pulses	14	6	20
Snuff	9	0	9
<i>Masuku,* Munkoyo † and mushroom</i>	7	8	15
Caterpillars	6	3	9
Firewood and charcoal	5	2	7
<i>Nsimba</i> and cooked rice	0	14	14
Green relishes	0	13	13
Total	223	50	273

* *Masuku*: Fruits of the wild tree greatly relished by Africans.

† *Munkoyo*: Fibrous roots which when crushed and added to cool maize gruel make a sweet beverage. It is sometimes referred to as 'sweet beer'.

emales deal in *nisima* and cooked rice, green relishes and *masuku*, *nunkoyo* and mushroom. Generally they are not regular traders like males. In most cases they only come to the market to sell some of their domestic supplies when they are in need of money. In the rainy season they mainly sell forest and garden produce.

(b) *Ethnic group*

TABLE VII : COMMODITY FOR SALE BY ETHNIC GROUP

	<i>Fish</i>	<i>Bread</i>	<i>Vegetables</i>	<i>Pulses</i>	<i>Masuku, munkoyo and mushroom</i>	<i>Nsimá and cooked rice</i>	<i>Green relish</i>	<i>Caterpillars</i>	<i>Snuff</i>	<i>Firewood and charcoal</i>	<i>Total</i>
Eastern Matrilineal	9	22	8	5	3	3	8	0	2	1	61
Southern Patrilineal	4*	5	8	10	2	7	2	0	3	2	43
Western Matrilineal	30	2	1	1	1	0	0	5	2	0	42
Northern Matrilineal	19	1	8	3	0	1	0	2	1	4	39
Bilateral	32	0	0	0	0	0	0	0	0	0	32
Northern Patrilineal	19	3	1	1	0	0	1	2	1	0	28
Central Matrilineal	8	4	1	0	9	2	2	0	0	0	26
Euro-African	1	0	0	0	0	1	0	0	0	0	2
Total	122	37	27	20	15	14	13	9	9	7	273

* These 4 Southern Patrilineal fish vendors are all Sezulu (Shona). Practically no Ngoni.

Fish trading has attracted many people from all ethnic groups except the Eastern Matrilineal and Southern Patrilineal groups. The fact that these two groups are dominated by the Nsenga and Ngoni respectively in whose tribal areas few people participate in fishing, and that fish trading needs some experience as regards handling and curing, probably explains why so few people in these groups deal in fish. The common relishes apart from meat and game in these tribal areas are green-stuffs, either cultivated or wild, and pulses. Hence these groups (i.e. Eastern Matrilineal and Southern Patrilineal) have more vendors dealing in these commodities—green relishes and pulses. More vendors from these groups as against other groups deal in ready-cooked foodstuff—*nsima* and rice and bread and tea. This may be connected with existence of 'hotels', canteens where some people in Fort Jameson have for long sold food and offered accommodation to migrant labourers.¹ There are still

¹ Cf. Barnes, J. A., essay on 'The Fort Jameson Ngoni' in *Seven Tribes of British Central Africa*, Elizabeth Colson and Max Gluckman (eds.), Oxford University Press (1951), p. 244.

many hotels of this sort along the Great East Road and in Fort Jameson itself.

From the table we see that all thirty-two vendors in these Bilateral groups deal in fish while on the contrary not a single Ngoni sells this commodity. I think all vendors in Bilateral groups deal in this commodity because it is the chief source of cash in their tribal area. Besides the fact that the Ngoni are not generally experienced in handling fish, it is possible that they do not deal in it because of the taboos of the Zulus from whom they are descendants : the Zulu did not eat fish before the arrival of Europeans.¹ N.B. market vendors usually sell what they can consume.

(c) Education

TABLE VIII : COMMODITY FOR SALE BY STANDARD OF EDUCATION

	<i>Fish</i>	<i>Bread</i>	<i>Vegetables</i>	<i>Pulses</i>	<i>Masuku, munkoyo and mushroom</i>	<i>Nsimi and cooked rice</i>	<i>Green relishes</i>	<i>Caterpillars</i>	<i>Snuff</i>	<i>Firewood and charcoal</i>	<i>Total</i>
Nil	52	13	8	9	6	11	11	4	8	6	128
Sub A-Std. I	17	12	13	5	5	0	2	0	0	1	55
Std. II-III	23	12	4	4	4	2	0	2	1	0	52
Std. IV-V	22	0	2	2	0	0	0	3	0	0	29
Std. VI and over . . .	8	0	0	0	0	1	0	0	0	0	9
Total	122	37	27	20	15	14	13	9	9	7	273

Thirty of the thirty-eight (78.9 per cent) who have a higher education than Standard III deal in fish. The explanation of this may be that the more educated people become market vendors with the hope of developing a large business rather than just to pass the time ; and also the fact that only fish trading is profitable enough to compete with the other occupations educated men may follow.

(d) Age

Table IX shows that more people in the 35-60+ age group deal in snuff than those in the 10-34 group. This may be because it is among the old people that most partakers of snuff are found. But I do not understand why relatively more people in the 10-34 age group deal in bread than old men (i.e. 35-60+).

¹ See Krige, E. J., *The Social System of the Zulus*, Longmans, Green and Co., Ltd. (1936), p. 57.

TABLE IX : COMMODITY FOR SALE BY AGE GROUP
(*Male vendors only*)

	10-34	35-60 +	Total
Fish	64	55	119
Bread	31	6	37
Vegetables	16	10	26
Pulses	10	4	14
<i>Masuku</i> and <i>munkoyo</i>	5	2	7
Snuff	2	7	9
Caterpillars	3	3	6
Firewood and charcoal	3	2	5
Total	134	89	223

IV. MORE DETAILED DESCRIPTION OF VENDORS OF DIFFERENT COMMODITIES

(a) Fish Vendors

We have already seen that of all male vendors interviewed one hundred and twenty-two or 54·7 per cent deal in fish. They represent the more educated elements among the vendors and they are drawn mainly from the Bilateral and Western Matrilineal peoples.

Of the one hundred and twenty-two fish vendors, one is employed by another market vendor. He earns £2 10s. Od. per month and stays and eats with his employer. Two are boys helping kinsmen and three are females assisting husbands or fathers. The remaining one hundred and sixteen are full-time vendors selling their own fish. Only four of these actually catch the fish themselves. Of these four, three are regular fishermen and wholesalers at Kafue and Katombora. Each of them also bring some fish to sell retail at the market when they come to fetch motor vehicle tyres for making fishing nets. The fourth one is a villager who is trying to earn money to buy a plough. The remaining one hundred and twelve are middle men who buy fish from various watersides in bulk and sell retail at the market.

Throughout the year nearly all the fish sold in Lusaka comes from Kafue river or its tributaries in the Central or Southern Province. A good number also comes from the Zambezi river in Barotseland. The one hundred and twenty-two vendors in the sample sell the fish obtained from the following areas :

I. Central Province

- (i) Kafue—close to the railway bridge of Kafue 49
- (ii) Lubwato Lagoon—a backwater of the Kafue close to the Lusaka-Mumbwa boundary 21

(iii) Mumbwa	4
(iv) Lukanga Swamp	3
	<hr/> 77
II. Southern Province	
(i) Mazabuka	19
(ii) Namwala	12
(iii) Katombora—on the Zambezi, the waters round Victoria Falls	1
	<hr/> 32
III. Barotseland	
(i) Mongu	3
(ii) Sesheke	3
(iii) Senanga	2
	<hr/> 8
IV. Northern Province	
Mpulungu—on Lake Tanganyika	5
Total	<hr/> 122

Types of Fish and Method of Sale

During the survey fish was becoming more scarce and more expensive than in the dry season when it is plentiful. Fresh fish which is preferred to dried was practically unavailable by the end of January.

The most widely sold types of dried fish then were the breams (*cichlidae*) and barbels (*clariidae*). They sell at from 6d. to 5s. each. The most popular bream was from Lukanga Swamp. It was the fattest and best cured of all. The heaviest, which weighed from 6 to 8 ounces, cost 3s.

The other common types I found at the market were *nshenbe* or *usipa*, small white fish from Lakes Tanganyika and Nyasa ; and the sardine-like fish commonly known as *kasepa*. Both these are sold in heaps of 6d. and 1s. No scales are used ; heaps are measured by the handful or cupful. At Mikomfwa African market, Luanshya, where I weighed all the commodities, I found that these small types of fish sold at 1s. per ounce. It is a little cheaper in Lusaka. There are high profits in these types of fish, but the turn-over is very low. I noticed that many vendors dealing in these types of fish were selling other commodities. On the Copperbelt I noticed that the most common accompaniment of this was maize meal.

With small types of fish unlike the bigger ones there is much *basela*¹ giving. Usually women, who are good bargainers here and selective buyers, get more than male buyers at the same price.

¹ *basela* is a present asked from a trader by a purchaser who is paying cash. This word is probably derived from Kitchen Kaffir. See *ibaso* in Rev. Albert Kropf, D.D., *Kaffir-English Dictionary* (Second Edition), Lovedale Mission Press (1915), p. 25.

Profits and Losses

Below I show six simple trading accounts to illustrate risks undertaken by the fish vendors.

Case I

<i>Debit</i>	<i>Credit</i>
£ s. d.	£ s. d.
Purchase of fish	6 0 0
Market fees 10 days at 1s. per day	10 0
Profit	17 10 0
Total	24 0 0
Number of days at waterside	14
Number of days at market	10
Total working days	24
Average profit per working day	14·58 shillings

Case II

<i>Debit</i>	<i>Credit</i>
£ s. d.	£ s. d.
Purchase of fish	15 0 0
Bus fare (return)	2 0 0
Transport of fish	1 5 0
Market fees 30 days at 1s.	1 10 0
Profit	25 5 0
Total	45 0 0
Number of days at waterside	30
Number of days at market	30
Total working days	60
Average profit per working day	15 shillings

Case III

<i>Debit</i>	<i>Credit</i>
£ s. d.	£ s. d.
Purchase of fish	3 0 0
Train fare (return)	6 0
Luggage charges	1 9
Market fees 6 days at 1s. each day	6 0
Profit	11 6 3
Total	15 0 0
	15 0 0

Days at waterside	19
Days at market	6
Total working days	25
Average profit per working day	9·04 shillings

The following three cases illustrate losses due to motor accidents, insufficient curing and gifts to kinsfolk and friends:

Case IV

This case concerns vendors who use their own motor vehicles to bring fresh fish early in the mornings.

One day, early in December, a certain vendor drove to Lubwato late in the afternoon. When he arrived he asked fishermen to catch fish that night which he bought for £9 15s. 0d. Early in the morning on the following day he set off for the market. The road was so bad that after a few miles' driving the car got stuck in the mud. For a long time he tried to pull it out but failed. At last he hired oxen to assist him. He paid 15s. for this. The road was so bad that after a short distance the car got stuck again. This time oxen were not available to assist him. He was so tired and hungry that he just slept there. By the following day nearly all the fish had gone bad as he had no refrigeration. He walked back to the waterside and borrowed a bicycle from one of the vendors. He also bought some dried fish at £2 0s. 0d. He took the dried fish and such of the fresh fish as had not gone bad to the market on this bicycle. But the sales were not sufficient to cover his losses. Indeed, he still had insufficient money to have the car brought to town. Consequently he went back to wage-earning. He intends to work until he has earned enough to bring back the car and then to continue the business.

Case V

This vendor went to Kafue by bus and paid 5s. for his single fare. He bought £1 17s. 6d. worth of fresh fish. It took him seven days to smoke the fish. During that week there was much rain. All the firewood was wet and there was not enough sunlight to dry the fish. Consequently the fish was not well cured so a good amount of it was crushed on the bus.

Summary of Case V

Debit		Credit
	£ s. d.	
Purchase of fish	1 17 6	Sales of fish
Bus fare to Kafue	5 0	1 5 0
Return bus fare	5 0	
Luggage charges	10 0	
Market fees	4 0	Loss
Total	<u>3 1 6</u>	<u>1 16 6</u>
		Total
		<u>3 1 6</u>

Days at waterside						7
Days at market						4
Total working days						11
Loss per day						3·27 shillings

Case VI

Debit	Credit
Purchase of fish	<i>£ s. d.</i>
1 17 6	Sales of fish
Train fare (return)	1 10 0
Luggage charges	5 0
Market fees	3 0
Total	5 0
	Loss
	1 0 6
	Total
<i>£ s. d.</i>	<i>£ s. d.</i>
2 10 6	2 10 6
Days at waterside	7
Days at market	5
Total working days	12
Average loss per day	1·7 shillings

This vendor stated that he showed this loss because he gave most of the fish to the wife of his kinsman who supplied him with accommodation.

In general, however, there are far greater possibilities of gaining than losing. In the whole sample cases of losses are rare. Usually vendors are able to make up these losses quickly.

(b) Ready-Cooked-Food Vendors

These vendors deal in bread, buns, tea, cold drinks, cooked rice and *nsima*. Rice and *nsima* vendors in the sample are females who cook these commodities at home. A plate of *nsima* and some pieces of meat sell at a shilling. A plate of rice without meat sells at ninepence, or a shilling with meat. The daily turnover in these commodities is high and I believe profits are quite handsome. Unfortunately I was not able to work out the profits of the *nsima* vendors because nearly all of them cooked the *nsima* from the maize-meal they used for their rations. Moreover few of them are regular vendors. For example one of them bought £2 3s. 0d. worth of maize meal and 7s. 6d. meat. She cooked some *nsima* for sale for two days and had a turnover of 19s. excluding the market fees. She did not come to the market again that month. The maize meal was not finished. In fact for that month she and the family lived on the same maize meal and probably spent the money on relishes. One rice vendor who spent 5s. on rice and 2s. 6d. on meat sold all this in a morning for 12s. Her actual profit in a few hours time after paying her market fee of 1s. was 3s. 6d.

Bread, buns, tea and cold drink vendors are all males. During the survey I noticed that many men previously dealing in fish were flocking to this trade as fish became scarce. Out of thirty-seven of these vendors, twenty-seven sell their own commodities. Ten are employees and not traders on their own. Five of these ten are paid in cash. The other five are paid in kind—accommodation, clothing and rations.

They all buy bread and buns from the local bakeries. Most of them usually buy 5s. to 10s. worth of these and receive a discount of 20 per cent. They also buy sugar, tea or coffee, milk, margarine, jam or syrup from the local groceries. They boil water for tea behind the market, or under the cement slabs on charcoal braziers or primus-stoves. Usually a vendor sells slices and spreads them with jam, syrup or margarine. A slice of this sells at one penny. A cup of tea with milk sells at 3d. or 2d. without milk. Some of these vendors deal in cold drinks too. They mix orange juice with water and sugar and put it in mineral water bottles. A bottle sells at 3d. In this trade profits are mostly made from tea and cold drinks.

(c) *Fruit and Vegetable Vendors*

In the sample I found thirty-seven vegetable vendors. Only twenty-nine of them trade on their own account. They all buy their vegetables from European farms. Of the remaining eight one is a woman who trades for her husband when he is out in the farms looking for some more suppliers. Two are boys assisting their kinsmen. They are paid in kind; housing, food and clothing. Five are employed as salesmen by well-to-do people and paid on a monthly basis. Below are their ages, wages and employer's occupation :

<i>Age</i>	<i>Wage</i>	<i>Employer's occupation</i>
11	£1 and 3s. 6d. weekly rations	Car-cleaner
12	£1 5s. 0d. inclusive	Hawker
23	£3 15s. 0d. inclusive	Market vendor
26	£1 15s. 0d. free housing and food	Market vendor
26	£3 0s. 0d. inclusive	Car-cleaner

Method of Sale and Profits

A good number of these vendors use scales of the spring balance type. Prices of cabbages, onions, Irish potatoes, etc., varied from 6d. to 9d. per lb. Fruits like bananas and apples varied from 1½d. to 3d. each. Green maize was selling at 6d. per cob when it was just coming into season. Gradually the price dropped to 1½d. each when it became plentiful. The profits in this trade are not high so that many vendors sell some other small commodities in order to increase their income. It took one vendor five days to sell £1 10s.

worth of cabbages and show a turn-over of £2 0s. Od. His outlay on the market fees was 5s. His actual profit was therefore only 5s.

(d) *Vendors of Pulses*

Of the twenty vendors of pulses, six are female dealing in raw and roast ground nuts. Of the fourteen males, only six sell their own commodities. Eight are assistants. Six of these assist their kinsmen and are paid in kind. Only two are paid in cash. One of them aged fourteen sells for a market vendor and earns 5s. per week. The other one aged sixteen, selling for a butchery proprietor in Fort Jameson, earns £1 2s. 6d. per month including housing and food. Actually he shares room and food with a kinsman of the employer.

Method of Sale and Profits

No vendor of pulses uses a scale, but each measures quantities by the handful or the cupful. At Luanshya where I weighed all the commodities at the market I found that beans cost 1s. per 8 ounces. Here in Lusaka they all cost slightly less. Profits are high in this trade but the turnover is slow and hence reduces the profit.

(e) *Vendors of Masuku, Munkoyo and Mushroom*

In this group there are seven males and eight females. Many of them are people from local tribes. They collected these commodities during the week-ends on their way to and from the village.

Method of Trading

These vendors sell their commodities in lots of 3d. each. The average turn-over per vendor per day is from 4s. to 5s.

(f) *Vendors of Green Relishes*

All thirteen are females. Like other vendors they also sell their commodities in 3d. lots. The daily turnover in this trade varies from 3s. to 10s. per vendor. All these vendors got their commodities from their gardens or in the bush.

(g) *Caterpillar Vendors*

Of these nine vendors, three are females assisting their husbands or fathers. Of the six males, three assist their kinsmen and are paid in kind. These vendors usually make as much profits as the fish vendors. The small number of the vendors dealing in this commodity may be due to the fact that caterpillars are bought at distant places and hence require a large capital. Below I show two cases which illustrate this point.

Case VII

A grocery proprietor bought twelve bags of caterpillars at £50 from Mankoya. He sold all these at the market in sixty days for £120.

Summary of Case VII

	<i>Debit</i>		<i>Credit</i>
	£ s. d.		£ s. d.
12 bags caterpillars	50 0 0	Sale of caterpillars	120 0 0
Bus fare Lusaka-Man- koya and return	3 12 6		
Luggage charges	12 0 0		
Market fees 60 days at 1s.	3 0 0		
<i>Profit</i>	<u>51 7 6</u>		
Total	120 0 0	Total	120 0 0
Total number of working days			81
Average profit per working day			12·03 shillings

Case VIII

	<i>Debit</i>		<i>Credit</i>
	£ s. d.		£ s. d.
Purchase of caterpillars	20 0 0	Sale of caterpillars	40 0 0
Transportation	5 10 0		
Market fees 31 days at 1s.	1 11 0		
<i>Profit</i>	<u>12 19 0</u>		
Total	40 0 0	Total	40 0 0
Total working days			53
Average profit per working day			4·88 shillings

N.B. This vendor made a relatively smaller profit because his caterpillars were of a comparatively poor quality.

(h) Snuff Vendors

Snuff is one of the most profitable commodities at the market. These vendors buy tobacco in bundles mostly from the Gwembe valley in the Southern Province and grind it themselves into snuff. Grinding requires some skill and experience. This may be the reason why there are few people dealing in it.

These vendors sell their snuff by the teaspoonful. A teaspoonful costs one penny. Below is one case illustrating the high profits of these vendors.

Case IX

<i>Debit</i>		<i>Credit</i>	
	£ s. d.	£ s. d.	
Purchase of tobacco	7 10 0	Sale of snuff	15 17 6
Train fare Lusaka—Pemba (return)	11 6		
Hired porters to carry tobacco to Pemba railway station	1 0 0		
Bought soda for grinding tobacco	4 0		
Market fees 18 days at 1s.	18 0		
<i>Profit</i>	5 4 0		
Total	15 17 6	Total	15 17 6
Total working days		23	
Average profit per working day		13·75 shillings	

(i) Firewood and Charcoal Vendors

There are few vendors of firewood and charcoal at the market because many people sell these commodities from door to door and from their own houses in the location. These commodities are much more expensive here than on the Copperbelt. The daily sales vary from 5s. to 30s. per vendor.

V. CONCLUSION

There is constant coming and going among the market vendors. There are always a number of new vendors each day and some of the old ones disappear one by one. This is illustrated in Appendix II on page 55 which shows that only eighty-four out of two hundred and twenty-three (37·7 per cent) male vendors have been in the trade for one year or more. This suggests that most vendors in town regard a market as a resting place between employment. This view is strengthened by the fact that 60·5 per cent of the male vendors had been obliged to take up trade because they were tired of their previous work or had been discharged from employment. These vendors usually go back to their employment after having rested for some time, and those who are seasonally unemployed like many people in the building industry usually go back to wage-earning in the dry season. Other men replace them as vendors.

Despite the fact that vendors perform an important function in the urban areas by supplying the African workers with a variety of African traditional foodstuffs, they are frequently accused of over-charging their fellow Africans. Admittedly no vendor at the market observes the maximum price regulations. Usually prices are higher than the controlled ones. But I think that it is the customers who are most responsible for the high prices, because firstly, due

to their limited resources, most of them find it necessary to buy in small lots, which is uneconomic. Secondly, every vendor takes into account the fact that he will be asked for *basela* on every lot he sells, so he increases the price in order to avoid losses in this way. The other reason why most things are dearer at the market than in shops is that, due to limited capital, many market vendors buy their commodities from retailers who have already included their own profit in the price to the vendors, and because they are also entitled to a payment for bearing the risks of deterioration, etc., and increase the price still further.

As members of the Fifth Session of the Colonial Office Summer Conference on African Administration said: ' . . . the traditional system of purchase and distribution has served most African communities to their general satisfaction so long, that we should be unwise to condemn it out of hand.'¹

APPENDIX I

COMPOSITION OF EACH ETHNIC GROUP IN THE SAMPLE (Both male and female vendors)

EASTERN MATRILINEAL :		BILATERAL :	
Nsenga	35	Lozi	29
Chewa	16	Subiya	2
Kunda	4	Nkoya	1
Yao	3		
Lomwe	3		
Total	61	Total	32
<hr/>		<hr/>	
SOUTHERN PATRILINEAL :		NORTHERN PATRILINEAL :	
Ngoni	34	Mambwe	13
Zezuru	4	Nyakyusa	12
Karanga	4	Tumbuka	3
Venda	1		
Total	43	Total	28
<hr/>		<hr/>	
NORTHERN MATRILINEAL :		CENTRAL MATRILINEAL :	
Bemba	19	Northern Rhodesia	
Lunda-Kazembe	6	Tonga	11
Lungu	5	Lenje	9
Bisa	4	Soli	9
Ushi	2	Sala	2
Swaka	1	Total	26
Tabwa	1	Euro-Africans	2
Kabende	1	TOTAL SAMPLE	273
Total	39		

¹ See Report of Colonial Office Summer Conference on African Administration, Fifth Session, 17th-29th August, 1953, at Queen's College, Cambridge, p. 71, para. 34.

APPENDIX II
PREVIOUS INDUSTRY AND PERIOD IN SELLING
(*Male Vendors*)

	<i>Less than one year</i>	<i>One year and more</i>	<i>Total</i>
Building	46	20	66
Never been employed	26	6	32
Commerce	20	7	27
Public Service	6	15	21
Mining	10	13	23
Domestic	14	8	22
Transport	7	6	13
Catering	2	5	7
Manufacturing	3	4	7
Agriculture	4	0	4
Still working (Evangelist)	1	0	1
Total	139	84	223

APPENDIX III
COMMODITIES FOR SALE AND WHERE VENDORS OBTAINED THEM
(*Male vendors only*)

		Total
	Petauke	
	Livingstone	
	M'kushi	
	Traveller	
	Contractors	
	Local	
	Mpika	
	Sesheke	
	Mongu	
	Mankoya	
	Lukamga	
	Mumbwa	
	Gwembe	
	Fort Jameson	
	Mpulungu	
	Local forest	
	Namwala	
	Mazabuka	
	Lubwato	
	Lagoon	
	Local European farms	
	Local shops	
	Kafue	
Fish	50	0
Bread	0	37
Vegetables	0	26
Pulses	0	9
Snuff	0	0
<i>Masuku and munkoyo</i>	0	0
Caterpillars	0	0
Firewood and charcoal	0	0
Total	50	46

VI. A NOTE ON THE RECENT BOYCOTT

Introduction

This is a preliminary report of a short and quick survey of the vendors' boycott of the Lusaka Markets which I conducted recently. I was assigned by the Director, Mr. H. A. Fosbrooke, to this duty on 19th November, 1956, continued my observations till 26th January, 1957, and completed the write-up on 28th January, 1957. I am grateful to him and Mr. D. G. Bettison, the Sociographer, Rhodes-Livingstone Institute, for their relevant comments on my manuscript. I am also grateful to Mr. C. Chiwale, my co-worker who assisted me in collecting the data.

Due to the short time I had to carry out the survey I was not able to collect any information for comparative purposes on the Lusaka Municipal Council's profit or loss in the running of the markets before the boycott. This would have illustrated, *inter alia*, the justification of the Council's decision to raise the stall fees.

When the boycott started I was not in Lusaka and I am therefore grateful to all those who furnished me with information about events prior to my arrival. In particular I would like to express my gratitude to Messrs. Dickson Mugala and Robert Phiri, then boycott leaders and now chairman and vice-chairman respectively, of the newly-formed vendors' Co-operative Society whose assistance lessened my task.

(a) The Boycott and its Causes

Until 30th November, 1956, the established markets in Lusaka were under the control and management of the local Municipal Council. After that date a newly-formed Lusaka African Marketeers' Co-operative Society Limited took over. This change came about as a compromise between vendors and the Council after a dispute which resulted in vendors boycotting the markets. The boycott was the longest of its type organized by people who are generally occupationally mobile and uneducated. Briefly this is how the boycott started:—

Following an announcement by the Municipal Council early in February, 1956, that as from 1st March, fees at the African Markets in Lusaka would be raised from 1s. to 1s. 6d. per stall per day, all vendors at the main Town market stopped their business and held a meeting. The purpose of this meeting was to decide what action could be taken against this decision prior to the date of its enforcement. The convener, who was later elected chairman of the vendors' Co-operative Society, read and explained the notice which was fixed on the market notice-board. The audience considered the Council's decision to be unfair and prejudicial to their businesses. Speaker after speaker rose to deplore it. They said that the stall fees in Lusaka were already higher than in many other Municipalities in the Territory; on the Copperbelt they are generally 3d. to 6d.

a day ; at Luanshya African Municipal Market they are 3d. with accommodation for the vendors in the Municipal Rest House for a maximum period of two weeks.¹ Some of their grievances were argued thus :—

1. *The rise in stall fees in 1954* : When the stall fees were raised from 6d. to 1s. in 1954, vendors tolerated it because they expected improved facilities in the markets. They especially expected a store-room to be erected at each of the markets, as there is in many other areas.

This had not been done, and many vendors still continued to store their commodities in Indian shops at the rate of 3s. per week. They expected also that markets would be enlarged so as to accommodate all vendors. They had also expected that with the increased fees the Municipal Council would soon heighten the walls of the Matero Market to prevent rains from getting inside. But none of these things had been done.

2. *Accommodation for vendors* : Unlike many other Local Authorities in the urban areas of Northern Rhodesia, the Lusaka Municipal Council does not allow vendors to sleep in the markets. Those with neither kinsfolk nor friends to stay with, put up shelters between the main Town Market and the railway line.² They were ordered to vacate the place as it is the private property of the Rhodesia Railways. No other place was given them. Those who rented houses in the Municipal housing areas complained that as both stall fees and house rent had been increased they would be in low water.

3. *The recent rise in stall fees* : The vendors maintained that the Council had decided to increase the stall fees from 1s. to 1s. 6d. because it was under the impression that since vendors did not object to the previous rise in 1954 they could stand a further increase. In actual fact there were several unorganized complaints about that rise, and efforts were made to reduce the fees to the previous 6d. They also argued that traders with general dealers' licences paid only £10, while they, the poor vendors, were asked to pay more than twice as much per year.³

While these grievances were expressed by various speakers the gathering became so incensed that some members suggested a boycott of the markets on the spot. However, in the end the meeting decided to inform the Council that they were not prepared to pay the new rate. A letter was written to the appropriate Municipal official and a copy sent to the District Commissioner.

On the days that followed vendors continued to trade in the markets, but on 29th February, 1956, the day before the new rate

¹ I also noticed this privilege during my pilot survey of the Markets in Luanshya in 1953 and April, 1955.

² In January, 1955, I found that 44·7 per cent of the vendors at the Main Town Market resided in these shelters.

³ The fact that in Lusaka, African general dealers and grocers use their own buildings may explain why they are charged less than market vendors.

was to be enforced another meeting was held at the same place. The convener reported that the Council had not replied to their letter. Members felt that the Council was not prepared to consider their objection. They therefore decided to boycott the markets as from 1st March, 1956. Before the meeting dispersed members were asked to spread the news to their friends at the river-side and elsewhere. Immediately after this meeting one member who was later elected vice-chairman of the vendors' Co-operative Society addressed vendors at Matero market. They were also unanimously in favour of the boycott. Indeed, on the fixed day, 1st March, 1956, no vendors traded in the markets. The boycott was one hundred per cent effective and peaceful until its close on 30th November, 1956.

Although the dispute was between the Council and vendors, the first people to suffer the consequence of the boycott were the customers. For in urban areas Africans like to shop at the markets because it is there that a large variety of traditional foods are sold.¹ The boycott then brought the problem of where to get these traditional foods. The customers could not persuade vendors to go back to the markets, because they sympathized with them and felt that they had a reasonable cause to boycott the markets. On the other hand the Council could not withdraw its decision. As the Town Clerk told the Press,² the Health and African Affairs Committee (of the Council) was already in a difficult position, owing to the withdrawal of the Government Housing subsidy from the original 100 per cent of net expenditure to only 50 per cent ; it was for this reason that the Committee had originally recommended the raising of the stall fees. If the old rate were retained the Council's expenditure on markets would be greater than income. There was therefore no alternative but to increase the fees from 1s. to 1s. 6d.

While the boycott was still in its infancy vending continued in vendors' residences and many other places. Old inhabitants of the town did not suffer the consequence as badly as new arrivals as they knew where various vendors traded. This trading was strictly illegal. But had it been interfered with it is very probable that customers would have joined in the dispute. This would have made the situation even more difficult.

(b) Birth of the Lusaka African Marketeers' Co-operative Society Ltd.

While the boycott was in progress the District Commissioner arranged for a meeting between the Council and the boycott leaders in an attempt to settle the dispute. None of the parties was prepared at this stage to give in. Boycotters now went to the extent of demanding a reduction of fees to as low as 6d. or 4d. per stall.

¹ See Nyirenda, A. A., *The Role of African Markets in Northern Rhodesia Urban Areas*, p. 5. Rhodes-Livingstone Institute lecture delivered to a training course of Trade Union Officials and Officers and Government African Labour Assistants at Munali Secondary School in June, 1955.

² *African Eagle* of March 6th, 1956.

They were in a position to be firm, as the rains were over and they could consequently trade well in 'bush markets' around the town with ease.

There were three main bush markets. The largest, patronized by more than a hundred vendors, was established between the second class trading area and Kamwala Village—not far from the boycotted Main Town Market. Commodities of various kinds were available. Some vendors built shelters there in which they slept. The second one was along the Broken Hill road near Mandevu Compound. This was used by about thirty vendors. The third was established at the western end of Matero Suburb. It was largely patronized by vegetable vendors. There were usually not more than twenty vendors. A number of other small bush markets were used by a few vendors dealing in the same commodities.

All these places were in the open air and vendors displayed their commodities either on sacks or papers spread on the ground. Prices of the goods were similar to those before the boycott. As these places became established the vendors' profits were obviously higher than they were in the Municipal Markets, no stall fees were exacted. They also traded for longer hours in these markets as they were uncontrolled, and only darkness induced them to stop. Sunday trading, which was not permitted in the Municipal Markets, was practised in bush markets. The authorities displayed great restraint in not prosecuting, as they might well have done, for this illicit trading.

It is evident that vendors did comparatively well in the bush markets. That is why they did not show any spirit of compromise or co-operation in the negotiations to end the deadlock. Consequently the authorities felt that the only solution to the problem was the formation, if possible, of a co-operative society by the market vendors and for the Council to lease the markets to them.¹ Following this the District Commissioner arranged for a meeting between the boycott leaders and the Provincial Co-operative and Marketing Officer. This was in October, immediately prior to the rains, which would affect the bush markets. In consequence, boycott leaders were only too willing to accept the idea of forming a co-operative society and running the markets themselves. This idea received the same approval when the Co-operative and Marketing Officer put it to the rank and file. A constitution was drawn up, approval by the Governor was granted for the markets to be released from Municipal Control, and the new Co-operative Society was established on 1st November, 1956.

The constitution provided that male vendors acquired membership by purchasing shares for £1 0s. 0d. and females for 2s. 6d. In less than a month the Society collected £259 0s. 0d. When the rains started bush vendors suffered a tremendous drop in their daily turnover. Rains reduced their business hours and the ground in bush

¹ See *Central African Post*, September 28th, 1956.

markets was often so wet that commodities could not be displayed on it. Vendors with houses in the town traded at their premises. Those who resided in small compounds and traded there had very few customers. They usually traded at a loss in order to attract customers. They felt the calamity so much that they wasted no time in joining the Co-operative Society. They also assisted the leaders in recruiting members. It was not long before the Society had enrolled more than five hundred members, and it opened the markets on 1st December, 1956. The newly-built market at Chilenge Suburb which had never been used, also opened on this date as one of the Society's markets.

Before handing over the markets to the Society the Council laid down conditions on which it was prepared to let the Society run the markets. One of the conditions was that the Society was to pay a minimum annual rental of £1,625. This rental was fixed so :

(1) That the Society shall pay the Council a rental sufficient to cover the Council's redemption commitments and inclusive of an amount for the maintenance of the buildings which should be the responsibility of the Council.

Other conditions were :

(2) That the conditions under which the Society will operate the markets must permit the use of them by non-members upon payment of a stall fee to be prescribed by the Society within the limits of the maximum amount authorized by the Council.

(3) That the sub-lease of the markets should be on the basis of an annual tenancy.

The amount of £1,625 that the Society was to pay the Council is analysed thus :¹

	£	s.	d.
Loan Charges	595	0	0
Night soil Removal	220	0	0
Rent of Land	200	0	0
Rates	190	0	0
Water	160	0	0
Repairs and Maintenance	155	0	0
Refuse Removal	50	0	0
Administration	35	0	0
Insurance	20	0	0
<hr/>			£1,625
<hr/>			0
<hr/>			0

The Society accepted these conditions *in toto*. So, from 1st December, 1956, it took over the markets. The boycott was over and vendors came back to trade in the markets.

Under the Society's conditions members pay a stall fee of 9d. while non-members pay 1s. per day. An incentive to join the Society is provided by the reduced stall fee and by a priority given

¹ African Eagle of December 4th, 1956.

to members over non-members in the allocation of stalls. Besides, in the near future, members may receive such dividend on shares as the general meeting (of the Society) may approve, and also a bonus proportionate to their patronage of the Society's markets.

Generally, vendors, whether members of the Society or not, are economically better off than when the markets were under Municipal control, due to the lower stall fees now demanded. Further, hours of trading are not controlled by the Society and vendors do very good business in the evenings when many single people return home from work. On Sundays too they often do good business as they are patronized by customers who are off duty. Unlike the bush markets, where similar advantages prevailed, the market vendors are sheltered from rains and hot sun. Above all bush markets were and still are illegal. The authorities are now more likely to prosecute since there is a legal means of marketing.

The Society has two employees at each of its markets. They are the market clerk and sweeper. Their respective duties are mainly to collect stall fees from vendors and clean the market premises. In addition to these there is a supervisor whose major duty is to collect stall fees from the market clerks. They are all employed by the Managing Committee of the Society.

The Committee is composed of seven members who were elected by a show of hands at a public meeting. This includes office-bearers who are the chairman, the vice-chairman, the secretary and the treasurer. Of the remaining four, three are representatives from each of the markets ; and the fourth is a female member representing all female vendors. Normally they hold office for a year. They are largely from the ranks of the oldest and most permanent market vendors in Lusaka. They all rent houses in the Municipal areas. Two of them have now been vendors for about 20 years in the town. Educationally only one of them has completed his primary education (Std. VI). However, though uneducated, most of them speak some English ; which proved useful to them during the negotiations with authorities to end the boycott. Incidentally only two members on the Committee did not take part in negotiations with the Council.

Although the supreme power of the Society rests in the general meeting, obviously this meeting cannot be summoned every time a decision is needed on some point of day-to-day administration. Therefore the committee is entrusted with certain defined powers such as :

1. To elect new members to the Society.
2. To suspend members and recommend an expulsion.
3. To appoint, suspend and dismiss employees.
4. To handle all contracts and legal matters on behalf of the Society, etc.

Economically the Society has every possibility of flourishing and membership is constantly increasing.

(c) Conclusion

The boycott lasted nine months largely because there was a widespread grievance among vendors and there were substitutes for the boycotted markets. It revealed a remarkable solidarity amongst a mixed group brought together only by a single economic interest. No other loyalty held the group together. Further, this manifestation of solidarity occurred in an area where there was no system of indigenous marketing.¹

This boycott was very unlike many other boycotts in the Territory which have been used not only to rectify economic grievances, but also to further political ends. In this particular case although many members were not unacquainted with this use of the weapon —indeed, some leaders were active members of the African National Congress—yet the congress as a body did not take any part in the dispute.

The Lusaka African Marketeers' Co-operative Society Ltd. is the first of its kind in the Federation if not in the whole of Southern Africa. It is likely that in future it will develop into a Marketeers' Co-operative Purchasing Society like the one suggested by Breisford ten years ago.² This will help *inter alia* to stabilize vendors who at present tend to give up marketeering in preference to wage-earning due to lack of capital.

This Society is worthy of further study, as it is the first of its kind. It is really a testing point as Boyd Wilson says :³ 'people say that the African is not yet ready to stand on his own feet either economically or politically. Whether this statement is right or not there is no doubt that he will never do so until he has been given the opportunity of making an attempt at it. . . .'

This enquiry has shown how an opportunity was given to vendors to run the markets formerly run by a Municipal Council with the aid of a salaried staff of much higher educational standards and technical qualifications.

¹ Owing to the fact that no urbanization had developed among the indigenous people in pre-colonial Northern Rhodesia ; nor are there marked climatic zones leading to exchange of varying agricultural and pastoral produce.

² Breisford, W. V., *Copperbelt Markets*, p. 36. Government Printer, Lusaka (1947).

³ Boyd Wilson, J. L., Former Registrar of Co-operative Societies. *A Co-operative Digest*, p. 24. Government Printer, Lusaka (1948).

NOTES

THE UNIVERSITY COLLEGE OF RHODESIA AND NYASALAND

THE study of the Social Sciences in the Federation has been greatly stimulated by the establishment of the University College of Rhodesia and Nyasaland at Salisbury whose first teaching commenced in March this year.

Already a Social Science Research Committee has come into being under the Chairmanship of the Vice-Principal, Professor B. A. Fletcher, who is head of the Institute of Education, established by Carnegie finances in association with the University College. All the departmental heads serve on the Committee. Education is represented by Professor H. J. Rousseau, Economics by Professor O. P. F. Horwood, Agriculture by Professor A. G. Davis and History by Professor E. Stokes. Professor Clyde Mitchell of African Studies and lately Director of the Rhodes-Livingstone Institute adds his intimate knowledge of the sociology of Central Africa to the deliberations of the Committee, whilst co-ordination with the researches of the Rhodes-Livingstone Institute is ensured by the inclusion of the Director, Henry Fosbrooke.

Another link was forged between the University College and the Institute at a meeting of the Board of Trustees last year when Mr. A. T. Williams, Acting Governor of Northern Rhodesia, presented to Professor Fletcher who represents the University College on our Board of Trustees, a complete series of the Institute's publication—books, periodicals and papers—and promised that future publications would also be supplied.

Unfortunately a few of the earlier works are out of print, and whilst it is hoped very shortly to reprint papers Nos. 4, 5 and 6 the Director would greatly welcome the gift of the following to complete the series for the University Library :

Paper No. 2. The Study of African Society (Godfrey Wilson and Monica Hunter).

Paper No. 7. The Economy of the Central Barotse Plain (Max Gluckman).

Paper No. 9. The African as Suckling and as Adult : a Psychological Study (J. F. Ritchie).

Paper No. 10. Essays on Lozi Land and Royal Property (Max Gluckman).

Journal No. 1.

The University Library also lacks a copy of *Seven Tribes of British Central Africa* (ed. Colson and Gluckman), which is temporarily

out of print. The Director would be particularly glad to receive a copy of this book if anybody has one they could spare for the University.

Following our example, the Editorial Board of the *Northern Rhodesia Journal* has agreed to provide the University Library with all back numbers and future editions. Unfortunately Nos. 1, 2, 3 and 4 of the series are out of print : if anyone in possession of these numbers would care to present them to the University Library, Dr. J. Desmond Clark, Curator of the Rhodes-Livingstone Museum, Box 124, Livingstone, would be delighted to receive these and pass them along.

H. A. F.

STAFF CHANGES

WHEN the Colonial Development and Welfare Scheme No. R 370 came to a close in March, 1956, all the Research Staff engaged thereunder had left or were about to leave the Institute.

The Director, Mr. J. Clyde Mitchell, went to Salisbury in 1955, as Professor of African Studies. Dr. W. Watson is now on the staff of the Department of Social Anthropology in the University of Manchester. Dr. V. W. Turner and Dr. A. L. Epstein are Simon Research Fellows of the University of Manchester. Miss Elsie Richardson, who became Mrs. Collins in 1954 when on leave in England, returned to the Rhodes-Livingstone Institute later that year, and is now with her husband in the Gambia.

The new Director, Mr. H. A. Fosbrooke, has been faced with the problem of building up a new team. Even Headquarters has suffered, as the Administrative Secretary, Miss J. Longton, married at the conclusion of her contract. She was replaced by Miss M. Marsden. Under the new scheme No. R 698 provision was made for a Research Secretary, to which post Dr. R. J. Apthorpe, B.A., D.Phil., has been appointed. Dr. Apthorpe presented his D.Phil. thesis at Balliol College, Oxford, in October, 1956, and he leaves the Institute of Social Anthropology in the University of Oxford to take up his post here in July, 1957.

On the field staff the Institute was lucky to obtain the services of a previous Director, Dr. Elizabeth Colson, who was granted a year's leave of absence from her post as Associate Professor and Research Officer in the African Studies Program at the University of Boston, Massachusetts, U.S.A. She is studying the social and political organization of the Gwembe Tonga, assisted by Mr. Thyer Scudder from Princeton who is concentrating on the environment aspects of the study. It is hoped that this team will return three or four years hence to study the changes.

Dr. Bettison came in from Rhodes University where he was a

lecturer in Social Studies and where he completed the requirements for his Ph.D. in 1957. In January, 1957, he took charge of the African teams engaged in sociographic work in the towns of the Federation. He commenced in Nyasaland.

Mr. W. J. Argyle, B.A., B.Litt., joined the Staff of the Institute as a Field Anthropologist in May, 1957. He was previously a student at the Institute of Social Anthropology at Oxford, where in October, 1956, he presented his thesis for the B.Litt. degree in Social Anthropology. He will be working among the Sala and Soli in Northern Rhodesia, and possibly also among the Lenje.

H. A. F.

REVIEWS

AFRICAN TOWNSMEN

'SOCIAL change' has provided for some time now a major theme for anthropologists and sociologists working in Africa. One aspect of the process, which is at the same time an important factor in perpetuating social change, has been comparatively neglected. This is the process whereby indigenous African peoples over the whole continent have been increasingly drawn into the wage economy and way of life of the new 'colonial' towns. Urbanization as a social process is a relatively recent phenomenon in Africa; but with post-war industrial and commercial expansion urban growth has proceeded at a remarkable pace. We still know very little about the form and character of these new urban communities or of the social institutions they are beginning to develop. However, the recent publication of a number of reports of urban field studies provides a welcome sign that students are becoming alive to the acute social and administrative problems thrown up by the new towns, as well as the theoretical possibilities they open up for research.

Two of the reports deal with studies of urban communities in Uganda—Jinga¹ and Kampala²; the third describes aspects of social life in Baumanville,³ a small 'family' housing unit for Africans in Durban in the Union of South Africa. Jinga today is a flourishing and rapidly growing town of multi-racial composition with a population (1951) of some 20,000, of whom about 14,000 are indigenous Africans, 5,000 are Asiatics, and the remainder Europeans of different nationalities. Initially, the town owed its development to the natural advantages of its position near the Ripon Falls: by the beginning of the present century it was already established as a small administrative and trading centre. Later, with the development of cotton as a cash crop, Jinga grew steadily in importance as a port and railway junction, and as a 'service centre' for the rural hinterland. More recently, there has been further rapid expansion: when the Sofers began their study of the town in 1951, Jinja was in the midst of a construction boom as the result of the inception of the Owen Falls Hydro-Electric project, and was already beginning to emerge as quite an important manufacturing town.

Jinja Transformed sets out some of the results of the Sofers' social

¹ Cyril and Rhona Sofer, *Jinja Transformed*, East African Studies no. 4, Kampala, Uganda (1955).

² A. W. Southall and P. C. W. Gutkind, *Townsman in the Making*, East African Studies no. 9, Kampala, Uganda (1956).

³ *The Baumanville Community*, Institute for Social Research, University of Natal, Durham (1955).

survey of the town. Concerned mainly with the presentation of statistical data, the report deals chiefly with material of relatively short-term administrative utility and interest. A plethora of tables brings out clearly enough many of the social characteristics which Jinja shares with nearly all the 'colonial' towns of East, Central and South Africa—the impermanence of all sections of the populations, especially of the Africans; the imbalance in the age and sex structure; the instability of marital and domestic life, and so on. Using standardized ways of presentation, for example for age categories, this material might have been valuable for comparative purposes. But taking the study as a whole one has to confess not merely to a feeling of disappointment, but to one of irritation. A vast amount of material has been tabulated which can only be of local interest—if of any—and which contributes little to the understanding of social process in the town. Indeed, it does not seem too much to suggest that in their use of the 'survey method' the authors have allowed themselves to be blinded to the pattern of social relations which is growing up in Jinja. In this way they have been led to perpetuate a number of serious misconceptions about African urban life and, indeed, urban life in general. I shall return to this point shortly.

As Balandier has noted,¹ most of the new towns of Africa are a colonial creation: usually the African population is housed in segregated residential areas which come under the authority of the European-dominated local councils. Baumanville, for example, is the creation of the Durban Municipality, and is administered on behalf of the Municipality by a Location Superintendent. The small Baumanville community is almost completely dependent for its social services and amenities upon the Native Affairs Department of the Durban Municipality. In Jinja, too, where construction work on the dam, and the building of new factories, has brought in a sudden influx of unskilled labourers, it seems that the pattern of 'compound segregation' prevailing further south is already beginning to take shape, and urban development will be increasingly controlled and directed by the White authorities. Against this general pattern, Kampala stands out as an interesting and important contrast, for in Kisenyi and Mulago, the areas studied by Southall and Gutkind, free urban development appears to exist in an extreme form. Outside the Municipality of Kampala, in the Kibuga, nearly all land is held by Africans under the *mailo* system of tenure, which gives African owners nearly full powers of use and disposal, and the area itself falls within that of the native Government of the Kingdom of Buganda. Here there is no tight administrative control of the urban areas; indeed, there is no specifically urban system of administration. In *Townsmen in the Making* the authors have

¹ G. Balandier, 'Urbanism in West and Central Africa' in *Social Implications of Industrialization and Urbanization in Africa South of the Sahara*, Unesco (1956).

aimed at giving an accurate and vivid description of social conditions in these largely uncontrolled areas. Through the liberal use of case material, they have succeeded admirably in conveying the peculiar combination of unrest and gusto which seems to mark so many of the new African urban communities. One looks forward now to the authors' 'more analytical account', and hopes that they will be able to extend it to include an analysis of formal and informal groupings in the town, patterns of leadership, as well as the operation and functions of 'tribalism' which Southall has rightly noted as one of the fundamental problems in this field.

Urbanization in the Union of South Africa has of course a much greater time-depth. Already in 1904 the Locations Act made provision to compel Natives to live in locations, and a few years later the general pattern of local administration for Central and Southern Africa was set when provision was made for local authorities to brew beer, the profits going into a Native Administration Fund for building locations, schools, etc. The Baumanville community, therefore, is not a representative group, for admission to the location is confined to those married according to Christian rites. Moreover, the inhabitants of Baumanville form a highly stable population; for the most part they are English-speaking, and include a high proportion of professional and electrical workers. Baumanville, in short, is a small housing estate for what are coming to be known in the literature as 'middle class' Africans.

The Baumanville community is also highly 'Europeanized' in the sense that its behaviour, values and attitudes reflect in many aspects a 'European' way of life. At the same time, the residents of Baumanville have to face the same insecurities and social disadvantages which confront most Africans in the urban areas of South Africa; their family structure thus diverges sharply from the pattern of elementary family units which might otherwise have been expected to develop. The authors are aware of the general economic and social conditions which provide the framework of African urban life, but at times seem to retreat too readily into explanations of what are *urban* adjustments in terms of African traditional or tribal practice. For example, confronted with overcrowding, the Africans 'respond by patterns consistent with the traditional extended family system'. As part of this pattern patrilocal residence, we are told, is still significant, for married sons tend to remain in the father's house, while married daughters move away. It would be an interesting test of this hypothesis to see whether among people traditionally practising uxorilocal marriage, the urban pattern is for the husband to move into the house of his wife's mother. Here, one feels, an analysis of economic roles in the urban situation, where the availability of housing is a factor of especially critical importance, would have been more illuminating. In this connection it is interesting to note a later comment that 'now that wives are working, they are in a stronger position to assert themselves than in the past, and

it becomes possible for them to successfully claim houseroom for their relatives as against the demands of their husband's relatives'.

The tendency amongst some students of urbanization in Africa to explain the phenomena of African social life in the towns by reference to Bantu tradition goes hand in hand with a curious sociological blindness. Many features, such as the development of 'mutual aid' societies, are seen as specifically Bantu when they are probably universal to all communities at an early phase of industrialization and urbanization. More than this, these features are set off against and compared with some postulated European pattern or form which has no existence in fact. The Sofers, for example, speak of the poverty of African associational life in Jinja, and attribute this to the instability and heterogeneity of the African population: it is a mark of the lack of 'integration' of the urban community. The African population of Jinja is undoubtedly unstable and heterogeneous etc.; but the argument also carries an implicit assumption that 'integrated' urban communities of the European variety are marked by a rich associational life, in which most members take an active interest in communal affairs. In fact recent studies in America make it increasingly clear that relatively few urban-dwellers derive a 'satisfactory social life' through participation in associations. Many other examples of this kind could be quoted: they suggest that before writing up their reports on African urban communities, research workers would be well advised to remember that urban communities have also grown up outside Africa.

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Alur Society: a Study in Processes and Types of Domination. By AIDAN W. SOUTHALL. Heffer (Cambridge, 1956) for the East African Institute of Social Research. Pp. xviii + 397.

THE E.A.I.S.R. is the counterpart in Uganda of the Rhodes-Livingstone Institute. Founded after the war, it has recently been publishing the first fruits of its research under the directorship of Dr. Audrey Richards. The Rhodesian experience is matched there in so far as the necessity is found to carry out studies of traditional tribal systems as a background to 'modern' studies of social change in its various aspects. The results of the research which Dr. Southall here presents include something of both these types of study. For the Alur, both angles have much in common, for the first concerns the domination of tribes by the Alur and the second the domination of the Alur by European powers. But the indigenous system is treated more fully, and in a theoretically more satisfying way, than are the political systems imposed by the Ugandan and Congolese administrations. But this contrast itself implies what is the most serious criticism of the book: the two systems run concurrently and both have to be considered when dealing with the Alur political

system ; but they are treated separately and their interactions in the present political field to not fully emerge.

The author's discussion is based on the acceptable standpoint (p. 28) : 'the political aspect of society is universal, though specifically political institutions are not. . . . Every society carries out political functions, being in some way organized for the maintenance of internal and external defence.' And conversely 'institutions usually regarded as specifically political . . . have many aspects which are not political'.

The author has brought to his study an amount of comparative reading which impresses by its breadth if not by its depth. The Alur are a tribe speaking a Nilotc language akin to Lwo, who peopled the district to the west of the Nile and Lake Albert, and who gradually extended their rudimentary form of chieftainship over surrounding peoples. Southall takes this situation to suggest comparisons with other 'conquest' situations in the Great Lakes region and elsewhere. He calls it 'the process of establishing domination' rather than conquest owing to its largely non-military nature. The methods of domination are well shown in a chapter devoted to the subject. The politically more highly specialized Alur spread their limited authority by means of the continuing proliferation of chiefly lineages in peripheral regions ; the chiefly value was accepted, and although they were not great warriors, the stateless tribes accepted their protection ; two mutually hostile tribes took as protectors Alur chiefs who were kin, and so on. (But in later years these subject tribes 'liberated' themselves from Alur domination when the Europeans allowed it : they needed the protection no longer.) It is better to analyse on lines such as these than to account for Alur domination by saying that the Alur and surrounding tribes 'shared a basically similar metaphysical universe' (p. 232).

The end result is a form of political organization which allows the author to put forward three points in amendment to the classification in *African Political Systems* of African politics into the main types : pyramidal (states) and segmentary (lineage systems and stateless societies). First, stateless societies do not have to be based on lineage systems. For this proposition he adduces evidence from the Masai. Second, states can arise by means other than conquest or internal differentiation. This proposition comes from Alur evidence. Third, segmentary organization need not exclude specialized administrative institutions, and, he adds, a polity combining them is well called a segmentary state.

The 'segmentary state' comprises briefly a series of zones of authority diminishing from a centre ; a centralized government with limited control over several graded levels of subordinate foci of authority ; and a situation in which peripheral foci are more likely to change their allegiance 'from one power pyramid to another'. 'The distribution of power in the segmentary state is characterized by the fact that, within any one segment, at any level of the pyramidal

structure, there is at any moment a certain degree of monopoly of political power, development of administrative staff and definition of territorial limits, whereas, within the system as a whole, the political relations of the various segments are determined by much the same factors as in the case of segmentary societies which have no political specialization at all' (pp. 251-2).

This is not, of course, the first time that the concept of segmentation has been applied to an African state. Southall's use has to be distinguished from Gluckman's for the Bemba in which 'the segmentary principle of fission-fusion' is applied to the matrilineage of Chitimukulu to account for the periodic civil wars and the regrouping of chiefly offices in one small lineage ('Succession and Civil War among the Bemba', *Rhodes-Livingstone Journal* xvi, 1954). The concept of the segmentary state comes from, and fits the Alur. It is a valuable attempt to add to political typology. But considerably more evidence is needed, and a thorough comparison of Acoli, Ganda, Shilluk, Nyasaland Ngonde and other possibilities mentioned by the author, has to be made before it can be established as a widespread type. But it is useful to have attention drawn to the importance of the lineage in a state-like organization. Even in manifest states, commoner as well as ruling lineages are emerging as important adjuncts to specifically political institutions in the total political organization.

The last part of the book is devoted to an account of the modern administrative system. This account is for the most part formal. Alurland, now part Congo and part Uganda, has suffered many changes in national status. The account of the earliest Sudan administrator of the district, Weatherhead, whom the Alur would take for nothing but yet another elephant hunter, makes entertaining reading and is also of very good documentary value, showing as it does the almost imperceptible stages by which the Alur came effectively under the control of European powers. But the weakness of this portion stems from the lack of case material which makes the first part so inadequate an account. Its presence would surely have helped to provide a more unitary picture of Alur society as it is today.

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Government and Politics in Tribal Societies. By I. SCHAPERA.
C. A. Watts and Co. Ltd. (London, 1956). Pp. 238. Price
21s.

WHAT especially marks the present stage of social anthropology is the publication of detailed monographs on single tribes. It may thus give the layman the impression that each investigator carries on unheeding of the work of others, and that general conclusions about man in society are of little interest to the anthropologists.

But the stage is a necessary one, and the misleading conclusions of early comparative studies pointed up the danger of drawing generalizations before adequate detailed analyses of single social systems were available.

Professor Schapera has never shirked the problem of comparative studies ; and for the present volume he has massed the results of his field work in Bechuanaland, and of his careful reading of other South African authorities, to compare four main groups of people with reference to their political organization. Despite all that has been written about African political systems his work breaks new ground with detailed comparison of neighbouring groups followed by hypotheses based on it. The argument itself represents a reformulation, in terms of this one area, of the Josiah Mason lectures delivered in Birmingham in 1950. One of his aims clearly is to make plain to sociologists not specializing in small-scale societies that such societies may not lack government or organization into political communities. This is done with commendable clarity.

The groups of peoples considered—Southern Bantu, Hottentots, Bergdama and Bushmen, resident in South Africa, and the Protectorates—are organized socially on markedly different lines ; forms of residence vary from the great Tswana town to the small nomadic Bushman band ; the chief of the Basuto has sway over more than 600,000 subjects ; the leader of a Bergdama band has tenuous authority over a few dozen members. The problem follows, what units are to be compared ? What constitutes a political community ? By narrowing the definition of 'political' Professor Schapera manages to produce meaningful comparisons between these diverse types of unit. By a political community he means 'a group of people organized into a single unit managing its affairs independently of external control (except that exercised nowadays by European governments)'. Thus the Basuto tribe are a political community as are bands within a Bushman 'tribe'. Although this definition differs widely from that used by Southall in the book reviewed above, neither is necessarily wrong ; for words are tools, not objects, of social analysis. And if the concept of 'political' is restricted, that of 'government' is widened to include forms of social control other than those having 'centralized authority, administrative machinery and constituted judicial institutions'. There are 'in every South African community one or more persons whose recognized and regular duty it is to attend to the conduct of public affairs. Although such persons differ greatly from one people to another in powers and functions, they are everywhere the acknowledged officers of their community. It seems justifiable therefore to speak of them as its "government"', although, for instance among the Bushmen, the chief is the only public officer, and his 'primary function is to organize and direct such co-operative activities as hunting, moving camp, warfare, and trade with other communities'. The use of concepts in such a rigorous way is an obvious necessity for

embarking on fruitful comparison. And while the rigour remains, it is tempered here since definition is based on function and not on means.

On such a groundwork, a model essay in comparative anthropology is presented, weakened only by the paucity of observed data on the Bushmen and Bergdama. But there is enough for the author to be able to put forward a number of hypotheses concerning the relations between means of livelihood, size of political community, complexity, functions and powers of government, and struggles for position. The propositions in terms of South African data are unlikely to be better presented. It is for others to test their validity more widely.

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The Nature of African Customary Law. By T. OLAWALE ELIAS.
Manchester University Press (Manchester, 1956). Pp. xii +
318. Price 30s.

In this volume the author presents an analysis of the basic concepts underlying African customary law. The book does not pretend to describe the various traditional legal systems of the African peoples. Indeed, the time is not ripe for a comprehensive survey of African laws and customs. Existing studies are insufficient in number, although social and anthropological studies, commission reports, and an ever-increasing volume of court decisions are beginning to give the student of law a better insight into the nature of African law. A start must be made, however, if only to dispel the curious notions many European and American jurists hold with respect to African legal ideas and institutions.

In spite of great diversity, two basic types of African society, from the point of view of political organization, are discernible; so Fortes and Evans-Pritchard. One type is the more advanced, culturally heterogeneous unit, bound together by common interests and loyalty to a political superior—Group A societies. The second type lacks a centralized authority—Group B societies. There may be further variations, but these suffice to explain the relation of the ruler to the ruled and the structure within the groups themselves. In Group A societies the chief is the centre of power, limited by checks and striking a balance between his authority and his responsibility. In Group B societies the political framework is based on divergent local loyalties while the mutual desires of the units preserve a social and political equilibrium, with the social order maintained by intangible spiritual bonds rather than by force.

Before attempting to depict the nature of African law, the author first seeks to dispose of some misconceptions, held by missionaries, by administrators, even by anthropologists; by the latter, that custom is king, that there is no law where there are no courts,

whereas, in fact, African law has the same aims as those of any society, 'the preservation of personal freedom and the protection of private property' (p. 33). The judicial officer, too, may hold the view that African legal notions have nothing in common with European; actually, the difference is one of degree rather than one of kind.

In a chapter entitled 'What is Law?', Elias summarizes the views of jurists from John Austin to Roscoe Pound, as well as of the leading anthropologists who have turned their attention to the legal side of primitive cultures. The definitions of both jurists and anthropologists are somewhat inadequate in drawing the line between what is law and what is not, and the author adopts, with modifications, a recent suggestion by Professor Goodhart, 'the law of a given community is the body of rules which are recognized as obligatory by its members' (p. 55).¹ In a discussion of 'Why Law is Obeyed', Elias considers the Austinian 'command' theory as inaccurate, pointing instead to the psychological reasons for compliance. In the positing of sociological sanctions there has been too much reliance by some writers on the supernatural, or upon automatic submission to custom by the 'primitive'. Malinowski overemphasizes reciprocity, while Seagle's postulate of publicity is clearly contrary to the facts. Elias apparently believes that the ultimate sanction of law is the consent of the people.

The following chapters (VI-IX) offer an explanation of some of the fundamental concepts of any legal system, with specific reference to the African. In a consideration of status and the individual, Elias illustrates the diverse connotations the former may have, disclosing several fallacies respecting this concept in the African law. It is incorrect to attribute but one status, group status, to members of African societies. Primitive communism, so called, may be revealed in certain Group B societies but it plays little part in the structure of strongly centralized (Group A) societies. To speak solely of collective responsibility is not a true statement, for the primary liability is that of the individual. Likewise, the 'sheep' theory of automatic submission to custom or the 'peacock' theory of rugged individualism are unwarranted simplifications of African social relations. In truth, African law, just as English law, distinguishes certain groups within the community with respect to rights and duties, capacities or incapacities. Such differentiation is revealed in African law by the special status accorded to king or chief, to women, to infants, to aliens, to slaves, and occasionally to pariahs.

Another common misconception, Elias points out, is that no distinction is made between civil and criminal wrongs. As a matter of fact, some of the same writers find difficulty in distinguishing between civil and criminal, or between private and public law, in the

¹ Actually, Elias carefully distinguishes between native law, on the one hand, and custom, on the other, p. 29; cf. also his *Groundwork of Nigerian Law* (1954).

English legal system under certain circumstances. In truth, the basic attitude of the African system and of a more developed system like the English is essentially the same, though not identical. All human societies determine what may be left to private action and what is to be the concern of all as likely to imperil orderly social existence. The classification between civil and criminal in the African and in other systems depends on sociological, historical and other principles ; the examples given bear this out.

Elias then turns to the principles which determine liability for legal wrongs. The aim of African law, in this respect, is the maintenance of social order, not the social equilibrium of the community. Consequently, the vast majority of wrongs are treated on a rational basis of individual responsibility. There is, for example, great disparity between an offence and its penalty in the African law, and not a simple restitution which is all that the theory of social equilibrium would require. Further, there is ample evidence that intention, negligence and like ideas are taken into account in determining criminal responsibility. In like fashion civil liability for breach of contract is clearly distinguished from liability for tortious conduct. Contractual liability may arise from breach of the legal contract of marriage entered into by the parties to the marriage, or from breach of labour contracts or contracts involving the exchange of property. In connection with delictual liability, the African law takes into account motive, intention, negligence, sometimes even liability without fault, showing the same fluctuation from case to case that is apparent in European law.

In the property field, land is 'corporately' owned and normally inalienable, leading to a clear distinction between ownership and possession. Under customary tenure of land there can be no prescription, yet long term possession by another constitutes abandonment. On the other hand, there is individual ownership of chattels, and the right to acquire waste land by first cultivation.

African law is a dynamic system, revealing its adaptability primarily in the use of two devices, to which Elias devotes two chapters (X-XI). Like 'other enlightened systems', African law makes use of legal fictions to make adjustments in legal rules. Numerous instances are given to show the adaptation of traditional practices in light of the changing culture. 'Without the use of legitimate fictions, the legal transition from tribal into marginal society and from marginal into urbanized (or industrial) society, would be haphazard and non-synthetic' (p. 186). Secondly, there is 'Legislation under Customary Law'. Elias contrasts 'customary legislation' with 'modern legislation', two categories of legislation under customary law. Within the former are included devices for altering existing rules of customary law, devices which had some foundation in the traditional scheme, e.g. legislation by chief's decree, by chief in executive council, by discussion in public assembly, or by judicial legislation. 'Modern legislation' is that which is enacted by the

newly constituted Native Councils, and according to some, at least, becomes part of the prevailing customary law. To a considerable extent, however, the legislation of local Native Councils supersedes 'customary legislation'.

A long chapter is devoted to customary judicial process. Here, again, the author seeks to dispel certain misapprehensions as to the nature of African procedure. The judicial process is not simply a matter of arbitration. Its complexity depends on whether the society is of Group A or of Group B, and within centralized societies (Group A) there may be differences between the procedure of the king's or paramount chief's court, on the one hand, and that of the village headman, on the other. But in both Group A and Group B societies there is a distinction between civil and criminal procedure. There is a full presentation of how an action is brought, of the types of criminal trials and the rules of evidence therein, of the nature of civil suits and the manner of assembling evidence, of the utilization of precedents, of the nature of the judgment and the penalty—damages or punishment, and of execution of the judgment. In sum, Elias calls attention to the salient features of African legal procedure, devices to secure order and regularity in the conduct of the affairs of the society, with the result that there is general recognition that justice is being accorded by African judges.

A final topic, of pertinence to the eventual status of African customary law, concerns the impact of English law upon African law (chap. XIII). Elias treats first of procedural innovations such as the recording of cases and judgments, the limitation of the number of judges, the introduction of English rules of practice, and the appointment of African judges possessing some knowledge of English law and procedure. In the substantive law field contact with the English has led to a broadening of the scope of the civil side of African customary law; this is particularly noticeable in the increasing individualization of legal liability. The impact has not been as fortunate in the area of criminal law, due to the over-emphasis by the English upon imprisonment. The African sees that a prisoner is put to work for the benefit of the British government—in undertakings which traditionally are considered honorable and public-spirited—yet nothing is done to assuage the feelings or satisfy the expectations of the injured person or of his family. 'Imprisonment cannot be the only or the best penalty for the criminal' (p. 288).

The book closes with 'Summary and Conclusions', and is further provided with a bibliography comprising a complete listing of books (in English) dealing with the legal systems of the peoples of the British possessions in Africa (to 1954), together with an adequate selection of works of general jurisprudence.

A fairly comprehensive summation of the contents of this volume has been given in order to show forcefully the wealth of material which is to be found therein. It is obvious that the reader will not agree in every instance with the interpretation which the author has

given to the mass of data assembled. But that is beside the point. The ideas presented are so provocative that they cannot fail to elicit further discussion of the very vital topics which lie at the core of the awakened interest in African law. The interest in African law, it is true, is not solely jurisprudential. These are the formative years in the establishment of African legal systems. In all of Africa south of the Sahara the traditional law and custom is being recorded with ever-increasing effort. Restatements of the law, local and tribal legislation, and court decisions are modifying and developing the customary law into systems capable of meeting the needs of rapidly changing African societies. The native courts are being reformed and reorganized, and integrated into a unified administration of justice in the several areas, the future states of the continent. It is well to have an understanding of the direction this development will take, of the factors which must be taken into account in forging the new law for the emerging states. The volume under review provides a welcome and illuminating guide.

The reviewer does not intend to enumerate the specific points with which he takes issue. He cannot, however, fail to point out that African 'customary' law is a misnomer when it concerns the interpretation of the traditional rules by the courts or with legislation modifying the old ways. Much of that which is presented in this volume stems from societies (Group A) in which courts and legislation play a prominent role. But the term 'customary law', as well as the equally unfortunate phrase 'native law and custom', is too well imbedded in the literature to object at this late date. There are, however, two matters of more general interest to which attention should be called.

Throughout the volume one gets the sense that the author is striving to defend African customary law against a superior European system, and more specifically, against the English law. Time after time Elias tries to show that African law is really the same as English law, or in situations where the African law deviates from the 'normal', there also the English (Anglo-American) law is deficient. The lengthy discourse on the distinction between civil and criminal wrongs (pp. 112-19, 121-29) is typical of the defensive attitude the author takes.¹ The reviewer would not deny that many writers on primitive law have depicted native legal systems as being of a distinctly lower order than those of western Europe, but the more discerning authors merely point out the differences to be observed without expressly or impliedly making a value judgment. Besides which, the time is long past for assessing the worth of a legal system by comparative study. Social anthropologists like Schapera, Cory, Gluckman or Fallers are vitally concerned with the recording of African customary law, and have no interest in the question whether it is superior, equal or inferior to any other legal system. Lawyers

¹ Other instances of this tendency on pp. 15, 21, 27, 33, 49, 61, 80, 91, 93, 98, 106, 131, 137, 139 n. 3, 146 n. 2, 159, 169, 171 n. 4, 174, etc.

who are active in helping to fashion a modern African law, men like Meek, Phillips, Allott or Matson, have no concern with the relative merit of legal systems ; they seek systems of law which will best satisfy the needs of African societies.

In another respect, however, the comparative aspect has not been taken into account. The volume is actually a study of the nature of African customary law in the British possessions. It is perfectly true that to a great extent the nature of civil or criminal liability, of property relations, of the judicial process, is relatively the same whether the African society is at the present time subject to British, French, or Portuguese rule. But, as the author himself acknowledges, the impact of the western law is an important factor in the development of the African law. Consequently, although one may eschew comparative jurisprudence one cannot neglect the practical significance of variations in legal techniques or of differences in the substantive and procedural law of England, France, Belgium, Portugal and Spain—and also Roman-Dutch, Islamic and even Italian law—in describing the nature of African customary law. The place of courts and of precedent, of legislation and of codification, of the judicial law-making power, together with the fundamental distinctions between the Anglo-American and the Civil law systems, and within continental European legal systems themselves, will undoubtedly result in radically different legal systems among the peoples of the several possessions and future states of Africa.

A. ARTHUR SCHILLER.

*Columbia University School of Law,
New York City.*

The Tribes of Northern Rhodesia. By W. V. BRELSFORD. Government Printer, Lusaka. Pp. 123, 22 illustrations, maps. Price 12s. 6d.

In this book Mr. Brelsford has provided an outline of the histories and some of the main features of the many tribes of Northern Rhodesia. The photographs are intended to show characteristics of tribal costume as they were rather than as they are today. As the author admits, a uniform treatment of the topic is impossible if only because of the variable amount of data from different areas. Mr. Brelsford has managed to bring together much scattered information not available elsewhere in a single volume, and some of it difficult of access in any case. For this many residents in Northern Rhodesia will be grateful. For the newcomer and for those who spend most of their time in the towns this book will provide a useful background which one hopes will stimulate them to wish to learn more about the Africans among whom they live. Professor Mitchell has contributed a chapter on the African urban populations with interesting statistical information.

The new tribal map in colours which accompanies this volume is by no means its least valuable feature, for it is a great improvement

on any previous map, and supplies a real need. A word of congratulation must go to the Government Printer for the excellence of his printing and production.

Now that Mr. Brelsford has paved the way with this introductory volume, I hope it will be possible to produce fuller descriptions of the various tribes of Northern Rhodesia, possibly as a series of regional handbooks which will provide a fuller non-technical account for the general reader disinclined to go straight into the more specialized anthropological works, or without access to libraries with the various journals in which a good deal of recent work has been published.

C. M. N. WHITE.

*Lusaka,
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